Nixon and the Liberal Republicans *John Osborne*

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A Journal of Politics and the Arts — July 26, 1969, 40 cents

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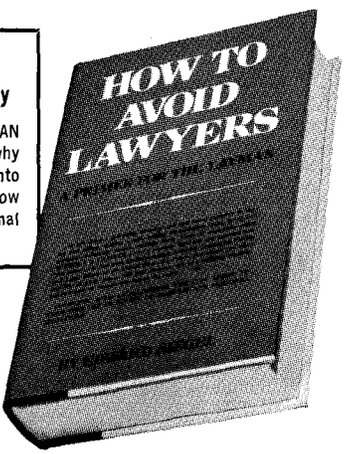

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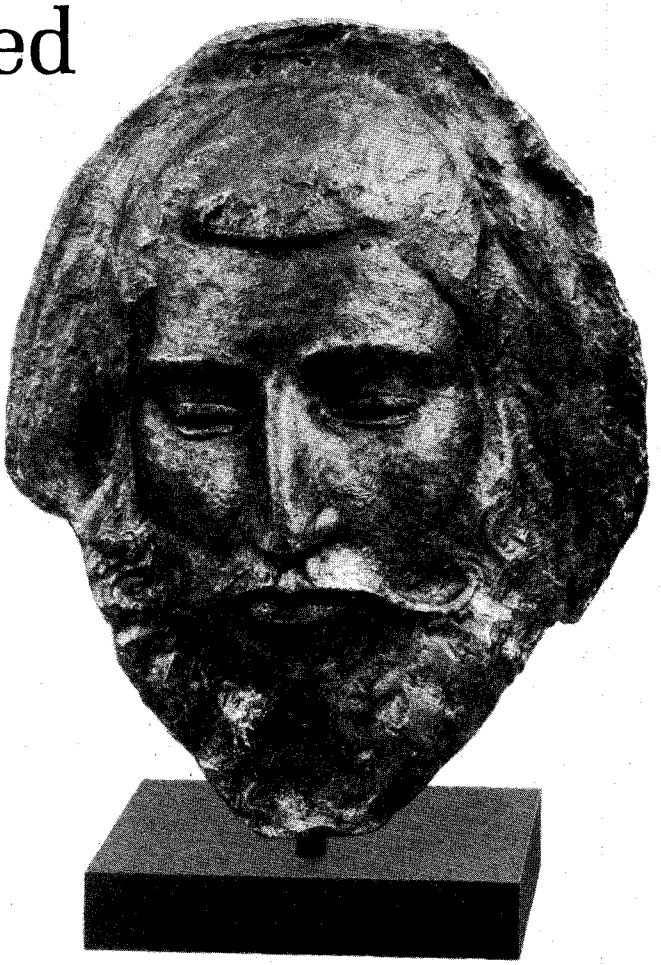

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TRB

from Washington

Let 'Em Eat Grapes

Typical morning in the New SOB (Senate Office Building) . . . Hearings under way . . . Start first with Sen. Mondale's subcommittee on Migratory Labor; subtopic, grape boycott . . . Knot outside trying to enter; inside jam-packed, hot, standing room only.

Cork floors, walls paneled, crowded press tables, hot TV lights, Senators looking down on witness. Small, dark, wiry, vivid woman with hair to shoulders (like male hippie) Dolores Huerta talks rapidly, 300 to the minute with bursts of 400. After you get her wavelength you can understand.

The room fades – you're in the fields, working poor, men, women and children, mostly Negro or Spanish-speaking, are bending over crops, the most downtrodden workers in America, the migrants. They're excluded from National Labor Law protection, they're bucking growers, courts, power structure and Governor Reagan. If they get obstreperous, Mexican labor may be brought in.

Now they've got a union toehold, God knows how; 7,500 holding contracts with 10 employers. Picket lines, police harassment, court injunctions, but after a four-year strike the boycott of table grapes is taking hold. Can they hang on? Can migrant labor organize? Nobody knows. Frightened employers have just brought antitrust suit and the Pentagon, the dear old Pentagon, has moved in to buy low-price grapes as delicacy for our boys in Vietnam. A 350 percent increase in Pentagon grape purchases will please GI Joe's palate and help keep his parents back home second-class citizens. . . .

Time to leave; what next? A larger queue outside, more cops at door. Defense Secretary Mel Laird facing Foreign Relations Committee. Five floodlights and 24 ceiling lights wrestle with air-conditioning on 95 degree day. Cops lead out pale, fainting lad from rear standees. About 30 reporters, three tripod cameras. More paneling and cork floors.

Sen. Gore (D., Tenn.) asks, five times, in view of Vietnam lull has Pentagon modified its "maximum pressure on enemy" directive? Laird ducks four times; suddenly says he's sent Gen. Wheeler to Saigon, presumably to see about it all. Sensation. Laird adds aimlessly, "I think we've certainly turned the corner." (What corner; the same old one?) Everything's beneath the surface here. Everybody knows the war is ending. Now a great big political hand is pushing supple Mr. Nixon toward settlement and reluctant Pentagon is giving, too. Come in, come in, wherever you are; last one in's a hawk.

Let's move again. Out-of-town students waiting hopefully in line; more cops outside, more lights inside: this is your lively McClellan show. Sen. McClellan (D., Ark.) scourge of radicals, is bullying unfortunate Chancellor Heyns, University of California at Berkeley. Heyns can't finish sentences; McClellan has a built-in indignation that takes off without countdown, the dour look of a Salem witch-hunter. He's a BIG CONSPIRACY man: they're gaining on us, they're getting us, they're under the bed. (He kept Prexy Pusey of Harvard in rear seat three hours and never did hear him, after inviting him to testify) while listening instead to a Harvard teaching fellow who denounced student riots as all due to faculty softness. That is McClellan's idea too.

Here he goes again. Heyns' balanced presentation of life in a knowledge factory at Berkeley with 28,000 students, and fire bombs, physical threats and "swift vandalism of 100 to 300 massed individuals," includes a hint that maybe things would be better with something done about poverty, civil rights – things like that. McClellan takes off (he reminds one of Attorney General Mitchell, another stone-face). He is self-propelled with moral indignation. He's against faculty softies.

15 Billion Hot Dogs

Well, we've had our fun. . . . We can't spend much time on Ralph Nader. Committee jammed, of course. He's telling McGovern committee about adulterated hot dogs (i.e., increasing cholesterol fat instead of protein). US eats 15 billion hot dogs annually. Nader wants labeling. Now it's baby food. Salt is bad for babies, he says, quoting doctors; why salt in baby food? "Not for baby but to please the taste of the mother." He says manufacturers of foods for pets offer better ingredient statements than the baby-food people. That's lucky, Nader says – millions of the poor buy dog food. . . .

Time for just one more commitee pop-in before the noon quorum-call buzzer. (Actually, few are listening to Senate debates any more; everybody's occupied making lobby deals on the ABM vote, or the surtax extension. It's the biggest auction block in years.)

No spotlight here; no cameras; handsome George Romney with eight advisers (four on a side) is talking about housing. He leans so far over the table that the microphone seems to be propping up his mouth. He's a dedicated believer in private enterprise, given a minimum of Detroit-style guidance from Washington. Bill Proxmire (D., Wis.) is the sole Senator present and there's a boyish quality to both men; Romney tells about his "flow chart" and Proxmire says, "that's fine, I think that's great" . . . Few in room, maybe 50; nice and cool and relaxed. Nobody knows how long Romney's enthusiasm can last; nobody quite believes in his housing crusade that won't cost any money. But it makes fine sales talk at the White House.

Well, that's the story. This morning we have glanced in on five hearings out of a possible 19 in the Senate and 22 in the House – all going on simultaneously. They look a lot alike. Witness brings a text, then he's questioned. Sometimes he's extolled, sometimes browbeaten. Tripod cameras whir and roving photographers roam the room (in the Senate, anyway) taking background shots with windup cameras that chirp like crickets. The audience is a presence; it loved Dolores in the grape hearing; it backed Albert Gore when he needled Laird. In the McClellan spectacular oldsters seemed to like the Senator, youngsters loathed him. A bit of all this may get on television or in the press. Mostly it's ignored. It's the brick and mortar of government. But it can't compete with a moonshot.

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Secret Agreements

Alongside pictures of Apollo 11 and of Richard Nixon, our embassies and military missions abroad should tack up a copy of the June 25 Senate resolution. Approved by 70 votes to 16, it called on the President to seek congressional authority before making military and financial commitments to foreign governments. What helped sway the Senators was the discovery by the Chairman of the Foreign Relations Committee, Senator Fulbright, that this country last year gave a secret assurance to Franco. Then, after the Senate vote, Fulbright dug again and found that back in 1965 a similar deal had been made with the military who rule Thailand, and kept secret. Not even Fulbright knows how many more of these covert commitments may still await flushing from the diplomatic depths.

The unpublicized assurance to Franco was contained in a memorandum signed by General Earle G. Wheeler (still in service and last week off to Vietnam to investigate further troop withdrawals) and authorized by the then Secretary of State, Dean Rusk. Its meaning was that 10,000 American military in Spain were a better guarantee of US friendly interest in the security of Franco than any formal treaty, which the Senate might reject anyway. The "understanding" with the Thais was signed by General Richard Stilwell, head of the American military mission to Thailand, and was ostensibly a mere contingency military plan under SEATO. But it too gave a foreign government pledges that Congress might have withheld or modified had it ever had the chance to consider them.

The common-sense case against such secret agreements is that when they're found out they generally become worthless. General Wheeler's understanding with Franco has no validity today. And Secretary of State Rogers was obliged last week to assure Fulbright and his committee that Mr. Nixon "believes the United States has no special commitment to Thailand." That, however, is not what the Thai government was led to believe in 1962, when Secretary Rusk publicly "reaffirmed that the United States regards the preservation of the independence and integrity of Thailand as vital to the national interest of the United States and to world peace." Thailand, he added, is this country's "ally and historic friend." When reminded of these past pledges, Secretary Rogers replied: "We have a different commander in chief now." And so we do. But if that's the way the

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game is played, how can the United States have stable relations with any foreign government? Open covenants, openly arrived at, seems an old-fashioned idea. Yet, the obvious, honest and open way turns out to be best after all. National commitments ought to be made by treaty, by statute, or by concurrent resolution of both House and Senate; by consent after due deliberation. That is the thrust and intent of the June 25 Senate resolution.

How seriously will this Administration take that resolution? Despite Secretary Rogers's disclaimer, it appears to be treading the old stealthy path. Robert J. McCloskey, the unlucky official whose job is to interpret the State Department to the public, said July 10 that General Stilwell's 1965 agreement with Thailand did not go beyond the terms of the SEATO treaty of 1954. "We have no security commitment to Thailand beyond the SEATO treaty," Secretary Rogers assured Fulbright. The two remarks signify nothing. The SEATO treaty says that if there is Communist armed aggression in Southeast Asia, the US will "act . . . in accordance with its constitutional processes." That leaves it wide open. As Secretary Rusk informed the Senate Committee on Armed Services in 1966, "These commitments do not bind us to any particular course of action . . . the agreements permit great flexibility in choosing the means by which we would assist other countries in their defense."

The President must be allowed considerable leeway in his conduct of foreign affairs. "The executive," Hans J. Morgenthau wrote in these pages some weeks ago, "by dint of the very nature of foreign policy, has a natural eminence – the conduct of foreign policy, from which constitutional arrangements and political practices can detract, but which they cannot obliterate." But "great flexibility," and not being bound to any particular course of action, can be interpreted upward or downward. Hitherto, the trend has been strongly escalatory. At least that is the interpretation increasingly put on these executive agreements by foreign governments concerned. The very day McCloskey was denying that the 1965 secret military plan with Thailand meant much, the Thai prime minister was explaining in Bangkok, "It gives us the certainty and confidence that the United States will not desert us and let us fight Communists on our own."

Doubtless, the prime minister's faith is buttressed by the millions of dollars the Pentagon has spent on barracks and dormitories for American military in Thailand, as well as on airfields and bases. There are 55,000 American military in Thailand, and by one estimate the 1965 secret military plan provides between $175 million and $250 million a year for the Thai armed forces, aid that allegedly is hidden in our defense budget under other programs. It raises an interesting question: When President Nixon visits Bangkok on July 28, will he tell the Thais that their prime minister is right about US intentions, or that McCloskey and Secretary Rogers are closer to the truth?

There are more than a million US military on 429 major bases in 30 countries, not counting Vietnam. And yet a sense of security is just about the last thing they give most Americans. In not a few of these 30 countries there have been, will be, perhaps should be, violent political eruptions. When they occur, the US is caught in crossfires that are not of "vital" concern to us as a nation. One does not need the example of Vietnam to see how rapidly limited commitments are inflated. All perspective, all sense of proportion is lost. Thirty-seven thousand Americans die, $20-$30 billion a year is spent. Finally, nothing comes to seem more important to us than making sure a civil war in Vietnam ends with one coercive regime in power rather than another.

Senator Frank Church has suggested that hereafter "as a guiding principle of American foreign policy, we abstain from military intervention in the internal affairs of other countries under any circumstances short of a clear and certain danger to our national security." Perhaps with places like Spain and Thailand as well as Vietnam in mind, Mr. Church added: "The thought presents itself that a policy of nonintervention could now serve as well to liberate us from the embrace of incompetent and reactionary regimes, which ignore popular aspirations at home out of confidence that, if trouble develops, they can summon the American Marines, while holding us in line by the threat of their own collapse."

Dead Letter

We noted in our last issue that HEW Secretary Robert Finch and his civil rights director, Leon Panetta, had drafted a letter to Southern school authorities, amplifying and clarifying the revision of school integration policy issued by Finch and Attorney General John Mitchell on July 3. The revised policy appeared to permit segregated school districts whose officials could prove that they had special problems to postpone the beginning of integration beyond the fall of this year or the fall of 1970 at the latest. Inasmuch as recalcitrant Southern school districts abound with special problems of their own making, this afforded them an out that white segregationists promptly welcomed. The thrust of the drafted follow-up letter of amplification was that they should not draw that conclusion from the Finch-Mitchell statement: the integration guidelines issued by HEW in March of 1968, setting the 1969-70 deadlines, still constituted the basic policy of the Nixon Administration. Last week Secretary Finch

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decided not to send out the letter. An HEW spokesman said that Panetta concurred in the decision. If Leon Panetta is the believer in firm enforcement that many civil rights leaders have thought him to be, he won't be at HEW much longer.

Spock-Coffin

The government's case, started in the Johnson Administration, against Dr. Benjamin Spock, Rev. William Sloane Coffin, Jr., and three others, for conspiring to counsel and aid draft-resistance, resulted in the acquittal of one defendant, Marcus Raskin, and the conviction by a jury in Boston, in the spring of 1968, of Spock, Coffin, Mitchell Goodman, the writer, and Michael Ferber, a graduate student. Now the United States Court of Appeals for the First Circuit in Boston has reversed the convictions. But the decision is no unqualified triumph, and the case is not necessarily over.

The Court of Appeals held that the government had introduced enough evidence to show that there was indeed a conspiracy aimed at counseling and abetting draft-resistance. Such a conspiracy, the court went on, may be punished consistently with the First Amendment. Even though it was inextricably tied in with general antiwar advocacy, which is itself protected activity under the First Amendment, the conspiracy to counsel and help young men resist the draft, as by turning in their draft cards, enjoyed no similar protection as free speech. The court, however, directed the acquittal of Spock and Ferber because the government is required to show the specific intent of each member of the conspiracy himself to carry out its punishable purpose of counseling and abetting draft-resistance. There was insufficient proof of such an intent in the cases of Spock and Ferber.

Coffin and Goodman, whose personal, specific intent had been adequately shown in the court's judgment, got no acquittals, but an order setting aside their convictions and permitting the government to try them again. The reason was that the trial judge—notably unsympathetic, as we said at the time—on his own initiative required the jury to answer a series of special questions propounded by him, in addition to returning the customary general verdict of guilty or not. This, the appellate court held, is a procedure that tends to incline the jury toward a finding of guilt, and it is improper. Hence the trial was invalid.

Assuming no further review now by the Supreme Court, it will be up to Attorney General Mitchell to decide whether or not to try Coffin and Goodman again. He doesn't have to; the matter lies within his well-established prosecutorial discretion. Even if he is persuaded that he can obtain another verdict of guilty and sustain it on appeal, he ought to consider whether, as the war hopefully draws to a close, the time has not arrived for forbearance – even for amnesty. But the Attorney General ought not to be misled by the present decision of the Court of Appeals into thinking that any new prosecution, even if there is another conviction, is now sure to succeed on later appeals. A strong dissent in the Court of Appeals by Judge Frank Coffin, the former liberal Democratic congressman from Maine, urged the acquittal of Coffin and Goodman also.

Constitutional issues remain, which the court touched only lightly, and which may yet be resolved against the government on an ultimate appeal to the Supreme Court. It is not certain that the peaceable and open turn-in of draft cards to the authorities may not be considered symbolic speech protected by the First Amendment, or that counseling and aiding young men to act in accordance with the dictates of conscience – the young men's conscience, not the counselors' – as Coffin and Goodman did, is an activity that government may constitutionally punish.

The Garbage Burner

Napalm is the fiery jelly used to destroy Vietnamese villages, defoliate landscapes and flush out Vietcong suspects. It is supplied to the US Army by Dow Chemical, which has had its recruiters thrown off campuses and its offices attacked by war protesters. On July 9, Dow's chairman and president, Carl Gerstacker and Herbert Doan, appeared on NBC's "Today" show to answer their critics:

Hugh Downs: You do annual business in excess of a billion dollars. And the napalm part of it, represents only about five million dollars, which is less than a – roughly a half of one percent. Why would you continue with the manufacture of a product that's causing such a headache for you?

Doan: This gets into the reason why we're in it in the first place, and in it now and why we stay in it. We feel that, in the first place, like everyone else, we don't like wars of any type. We wish this one would end. But our people are over there, they need the best weapons they can get. This napalm is a good discriminate, strategic weapon, and we feel those folks ought to have it. I think we should say that in back of our judgment to stay here is this kind of thinking: that our country is a democracy, a viable democracy – a morally viable democracy. We believe in its operation. We feel that we must do the things that this country

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asks of itself. We are individually responsible for the things that happen in this country, this war, and all of it is part of this. As long as we're that kind of government, we should supply the materials that our people need. . . .

Downs: Is there any other use besides destroying life by fire of napalm? Is it solely a weapon?

Gerstacker: At the present time we don't know of any other use. It has been suggested that it be used to burn up waste for example, the city problem. But to my knowledge it's not presently being used for that. . . .

Downs: In modern warfare, civilians have become targets, inadvertently or otherwise. In the case of napalm, how do you answer the charges that young children do get burned by it?

Gerstacker: We do think that in any war, especially one that's involved with the whole area, that some civilians do get hurt. But this has been one of the greatest exaggerations of this whole war. 500 doctors have voluntarily given two months of their time to help the Vietnamese. We checked their record and not as many as two percent of them actually saw napalm burns. This has been verified time after time. In fact some of the groups who went there to find these bad cases come back and said this was very much exaggerated. I'd like to add only this. If we are indiscriminately and unnecessarily hurting civilian people, this is being done by these half million of our young people who are representative of our whole society, and I just can't believe that of them. We're told by them and by their commanders that they are being very careful, and I have a lot of confidence in our young people and I don't think they are unnecessarily hurting civilians.

Filed and Forgotten

An unprecedented appeal to the United Nations by 41 Soviet intellectuals and 11 other Soviet citizens asks the world organization to "come to the defense of human rights that are being trampled upon in our country." Their statement cites Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." They catalogue recent "political trials" involving "fictitious accusations" as well as numerous arrests designed "to suppress the activity of persons protesting arbitrariness in our country." In addition to the Sinyavsky-Daniel and Ginsburg-Galanskov trials which had previously attracted world attention, the document refers to proceedings against dissidents protesting the Soviet invasion of Czechoslovakia, against those who circulate foreign-published books or who have defended "national equality and the preservation of national culture." Besides identifying Ukrainians, Crimean Tatars and Balts who had been caught up in the web of Soviet prosecution, the signers single out the case of B. Kochubievsky, condemned to three years imprisonment for holding a Babi Yar memorial service. It mentions "trials of Soviet Jews demanding the right to depart for Israel."

The document was written on May 20, but Soviet officials prevented a direct mailing to the UN. The signers, many of whom were already being threatened, then tried to present their statement to UN information offices in the USSR but were rebuffed by Soviet nationals staffing these offices. Not until June 19 did a photo-copy of the appeal finally reach UN Headquarters – delivered by the London-based non-governmental organization, Amnesty International.

The tragic reality is that the UN Commission on Human Rights is precluded by resolutions adopted in 1947 and 1959 from dealing with complaints about human rights violations, whether from Soviet citizens, blacks in South Africa, or from any of the thousands of political prisoners in South Vietnam. Complaints (and they have been running between 14-18,000 a year) are shown to governments (against whom the complaint is lodged), and are then filed, the complainee being notified that the UN is not competent to deal with the matter. Over the years, perhaps as many as one-quarter million complaints have been received; all are gathering dust in UN storerooms.

In March, the Commission on Human Rights approved by a 15 to 4 vote (12 abstentions) a new procedure which would allow some of these grievances to be aired, as they should be. It was proposed that a working group of five experts be chosen to investigate situations where there is "a consistent pattern of gross violations of human rights." However, the Commission's superior, the UN Economic and Social Council, confronted by violent Soviet opposition, has delayed acceptance of the new procedure. So, unless an individual member of the UN Commission decides, on his own initiative, to bring up the appeal at the Commission's next session in February 1970, the courage of 52 soviet citizens will be passed over in silence.

The Case for Professionalism

Reprints are available of the exchange between Robert Brustein and Eric Bentley on student radicalism.

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Tax Reform Now!

"The rule is, jam tomorrow, and jam yesterday – but never jam today."
"It must come sometimes to 'jam today'," Alice objected.
"No, it can't," said the Queen. "It's jam every other day; today isn't any other day, you know."

Last April the House Committee on Ways and Means completed 30 days of public hearings on the question of tax reform, having before it two years of Treasury staff studies, as well as reform proposals which the then Secretary of the Treasury Joseph W. Barr had submitted to the present Secretary David M. Kennedy this past January.

An examination of those studies, together with a reading of public hearings which have already been printed and delivered to each member of the Congress, simply confirm the fact that although the federal income tax is supposedly progressive, many persons with substantially high incomes actually pay either no tax or the same effective rate of tax as do persons with incomes only a fraction as large. The wealthy pay far less than their fair share of taxes, while others are forced to suffer special hardships to meet their tax liabilities. I am not, therefore, going to vote for an extension of a 10 percent surtax (on top of an established inequitable tax structure) unless I have a comprehensive tax reform package to consider right along with that surtax. We've waited long enough.

The point of all this is that a 10 percent surtax imposed on someone who has substantial income but files a nontaxable return is not going to do anything to curb inflation. Even under the new math 10 percent of zero is zero. So when we get down to it, those who are squeezed the hardest by the present tax system are being asked to let themselves be squeezed more.

Back in April, President Nixon told those of us in Congress: "Reform of our federal tax system is long overdue. Special preference in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden."

That's right. However, the President then went on to say that he was "directing the Secretary of the Treasury to thoroughly review the entire federal tax system" and present to him "recommendations for basic changes, along with a full analysis of the impact of those changes, no later than November 30, 1969." The President completely ignored the fact that there *is* a two-year, recent study into this same problem, together with specific proposals that would bring equity into our tax laws. How much more expert testimony do we need to prove the already-proven?

The House Committee has promised to have a comprehensive reform package on the floor of the House by next month. That means that broad reform legislation should arrive in the Senate about a month and a half after the President's surtax proposal that was referred to the Senate Finance Committee just last month. Since the Senate already has the benefit of extensive House hearings on the subject, a comprehensive bill ought to be able to move through the Finance Committee even faster than it is now moving through the House.

There have been repeated accusations that unless the surtax is extended for a full year *right now* and without any simultaneous tax reform, this Congress will go down in history as fiscally irresponsible. That is nonsense. Our rules permit us to continue to collect the surtax, putting the monies collected in escrow until such time as we can consider tax reform right along with the surtax extension. The Congress has already approved continued collection of the monies and can do so until both measures are on the Senate calendar for debate and decision.

Our tax system is supposed to be based on the premise that the more money a man makes, the more taxes he pays. That's the theory. Yet above a certain income level, the more money a man makes the less taxes he pays. In many instances, loopholes in the law allow people to pay no tax at all. *They* get the jam today. For example, in 1967 there were 155 tax returns with adjusted gross incomes above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million. And that doesn't begin to measure the full degree of escape at this level. As the former Assistant Secretary of the Treasury, Stanley S. Surrey, pointed out when he testified before the House Ways and Means Committee last February, these figures only reflect adjusted gross income, not actual income. This means that such things as tax-exempt interest, full capital gains, excess percentage depletion, farm tax losses, excess real estate depreciation, and intangible drilling expense deductions were not included in the total amount of income when searching for the number of individuals with incomes above $200,000 and $1 million who are now paying no tax. Figures for those who escape tax in this group, and of course would escape the surtax, would be even more startling if such excluded items were added to adjusted gross income figures.

The Senate Democratic Policy Committee has rightly taken the position that surtax and reform go hand in hand. Chairman Russell Long of the Finance Committee, however, argues that the best procedure would be to take up the surtax, along with such suggestions as his committee "might make," and then move on to tax reform "when we get to it." He intends to allow any Senator who has introduced an amendment to the surtax bill to testify before the Finance Committee this week. There is no assurance that public witnesses will be heard. I intend to vote for the surtax. But I

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won't until I know that the surtax will be placed on those most able to pay it – the people who make the most money. If I had to devise a motto for the current debate it would be: "No taxation without reform legislation."

Lee Metcalf

MR. METCALF *is the junior US Senator from Montana.*

Child's Play

Everyday, thirty swim-suited three, four, and five-year-olds patter barefoot out of a Labor Department office building in the nation's capital to a redwood-fenced playground adjoining, and splash around in a rubber wading pool. Anyone who trailed them back to the building's basement and around a maze of halls, stairways, and doorways to room 1200 would discover another world – a wonderland scaled down to size for preschool youngsters. It has rows of four-foot long cots each with a kid's name; a bathroom equipped with low sinks and toilets; midget mirrors, chairs, and tables; and a science corner with a glass that magnifies, a giant thermometer, and an aquarium with assorted plants and fish.

Room 1200 houses one of the 16 all-day, year-round day-care centers run by National Capital Area Child Care Association, Inc. (NCACCA) and funded by Head Start, Department of Labor, Department of Health, Education, and Welfare, and private foundations. The children are from poverty households usually headed by females.

To visitors, Lolita explains, sputtering through the space where two baby teeth used to be, that her yellow playsuit with orange ruffles is "culottes." When she first arrived at the center, she sat for six weeks immobile and speechless; her eyes stayed riveted up at the ceiling. She obeyed all orders but passively and without the dash and delight she has today. Her quiet submissiveness contrasts with the style of another three-year-old in the class who bites, grabs, and otherwise applies techniques she learned at home to fend for herself in a family of eight brothers and sisters.

Children like Lolita attend centers because their mothers are working or training for jobs under the Work Incentive Program (WIN) to stay off the rolls of Aid for Families of Dependent Children (AFDC). (Other reasons include illness or death of the mother, mental or physical handicaps, emotional disturbances, poor family relationships and slum living conditions without places to play.) However, if the mother gets a job and her income is more than $1,600, her child can be yanked out of the program; the same for a child from a one-parent family of 7 children with more than $5,400. Rarely are day-care services available on a sliding scale, according to parents' income. Costs run about $45 a week or between $2,000 and $3,000 a year for adequate child care like that of NCACCA. If the mother continues to work rather than retreat to welfare, there is little choice but to commit her child to zoo-like confinement in commercial centers that are affordable. Well over half of all working mothers pay $10 to $20 and more to enterprises that are more profit-making than child-rearing.

When Lolita reaches age five, she can go to kindergarten; seventeen states, however, still don't have public kindergarten. Most of them are half-day affairs anyway, so chances are she will become a "latch-key" kid who is given her apartment key with instructions to shift for herself until mother comes home.

The centers are havens for a few like Lolita, but they service only 590 children out of 15,000 needy Washington preschoolers. No more than 700,000 children are enrolled this year in national day-long, year-round preschool, funded either by Head Start or the Office of Education – compared with six million poor children under six who need nutritional and health care plus preschool education if they are to keep up later on in schools and jobs. Because of extreme deprivation, between 2 and 3 million children are suffering from severe malnutrition; 50,000 children under age seven die yearly because of neglect of their safety, diet, and medical needs; an estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural, not genetic, factors.

Even when preschool reaches these children by their third birthday, it is tardy. Fifty percent of a person's intellectual development occurs between conception and age four, and intelligence differences show up between socio-economic groups of children as early as language and cognitive skills can be tested – between 14 and 21 months. Recognizing that the neglect of early stimulation can never be fully regained by remedial efforts, Head Start has established 36 Parent and Child Centers to teach parents ways of stimulating and caring for infants from age 0 to 3. Even though the number of centers will be doubled next year, it is far from enough.

The problem of children with working mothers is not limited to the poor. For every four children under six, one has a working mother; that is more than four million youngsters, rich and poor. But the rich can be poor parents. And a middle-class, well-educated mother who feels obliged to stay at home might be depriving her child of the stimulation other children and professional educators offer, as well as depriving the community of the benefit of her own skills.

Day care is not a new idea. America saw that it was plain common sense to have centers for children of working mothers during World War II. But even

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though the number of working mothers has increased sevenfold since 1940, those facilities have dwindled. In 1965, the US took one baby step forward with Head Start. It was a model for 1) comprehensive services for the child – health, nutrition, rest, relationships with others, and new educating experiences; 2) coordination of many community groups – schools, churches, health departments, businessmen, and housing authorities; and 3) participation of the parent in educational tasks. But, says the President of the National Association for the Education of Young Children, "we have to face the reality that the once promising Head Start project has already begun to go downhill, so far as quality is concerned. Funding has not been increased in proportion to the number of children being served. Professional help has been pushed aside in the effort to give status and jobs to the needy. . . . Top level officials have apparently still not faced the fact that services in the area of early childhood experiences are as expensive as medical, psychological, and social services. . . ."

On February 19, President Nixon called for "a national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life. . . ." On April 9, he recalled that statement saying, "I again pledge myself to that commitment." But his Administration has only created an assortment of committees and done some administrative tinkering – lumping Head Start, day-care programs like WIN, and Follow Through (a program for former Head Starters) into a new Office of Child Development in HEW – and composed unenforceable guidelines that are supposed to coordinate day-care programs on local, state, and national levels. Additional decisions (to allocate money for more research, which will undoubtedly show the need for real action; to channel already inadequate funds for summer Head Start into year-round Head Start, thus reducing the total number of children served; and to increase the measly budgets only enough to meet inflationary costs and rising salaries) make one wonder about the genuinness of the commitment.

The President is playing hot potato with day care, tossing it to the states. For although there is legislation for states and local groups to use unlimited federal funds to cover 75 percent of the running costs of day care services for low-income families, there is no federal money for the lion's share of day care costs, physical facilities, construction, major renovation. New York State's pilot program for prekindergarten children from "culturally deprived families" is just the exceptional proof that the states can, but do not, offer day care with state funds. A major, comprehensive, federal investment in early childhood development is needed, on the lines that Senator Walter F. Mondale is proposing in a bill which begins hearings in the Committee on Labor and Public Welfare in August.

Paula Stern

Middle East Peace Plan

Cairo Says No And So Does Moscow

Six months ago, the newly installed Nixon Administration decided to find out whether the Americans and the Russians together could stop the fighting in the Middle East – or if not stop it, keep it limited. At the same time, the President went along with Charles de Gaulle's plea for four-power consultations, though these were never taken very seriously. What was taken seriously was Soviet alarm over Peking's claim to some 25 percent of Soviet territory, and, as a correlary, the Kremlin's desire for some accommodation with the West, and above all with the US. It seemed logical that Moscow would want, at the very least, to assure that any Middle East explosions would have only local repercussions and not trigger a Soviet-US confrontation. It was thought too that the Russians were interested in reducing their Middle East commitments, in view of other urgent demands on their military and economic resources.

All these assumptions have been tested during several months of talks in Washington between Ambassador Dobrynin and Assistant Secretary of State Joseph Sisco; during the three months of consultations between the Four Powers in New York; in the reception given the US plan for an Israeli-Egyptian settlement that was submitted to the Russians last May, after having been approved by the National Security Council and President Nixon personally; in the response to Foreign Minister Gromyko's trip to Cairo, where he went to present the American plan; and in the subsequent Soviet counter-proposal, which actually amounted to a complete rejection by both Cairo and Moscow of the US plan.

Coexistence with the US undoubtedly remains a principal aim of Soviet foreign policy. The latest Gromyko speech before the Supreme Soviet proves it. At the same time, the Soviet Union has shown that it is not prepared to risk annoying the Arabs in the slightest for the sake of pleasing Washington. Under the US peace plan that Gromyko took to Cairo, Nasser would have regained almost all the territories he lost in the six-day war (except for the Gaza strip), thereby realizing his aim of wiping out traces of the "Israeli aggression." The State Department had good reason to think that its plan would appeal to Moscow, because in discussions, Ambassador Dobrynin had more often used the word "Da" than "Nyet." However, when Nasser rejected the proposal out of hand, Moscow promptly reneged on all the promises her ambassador had made in Washington and fully supported Nasser. Far from cut-

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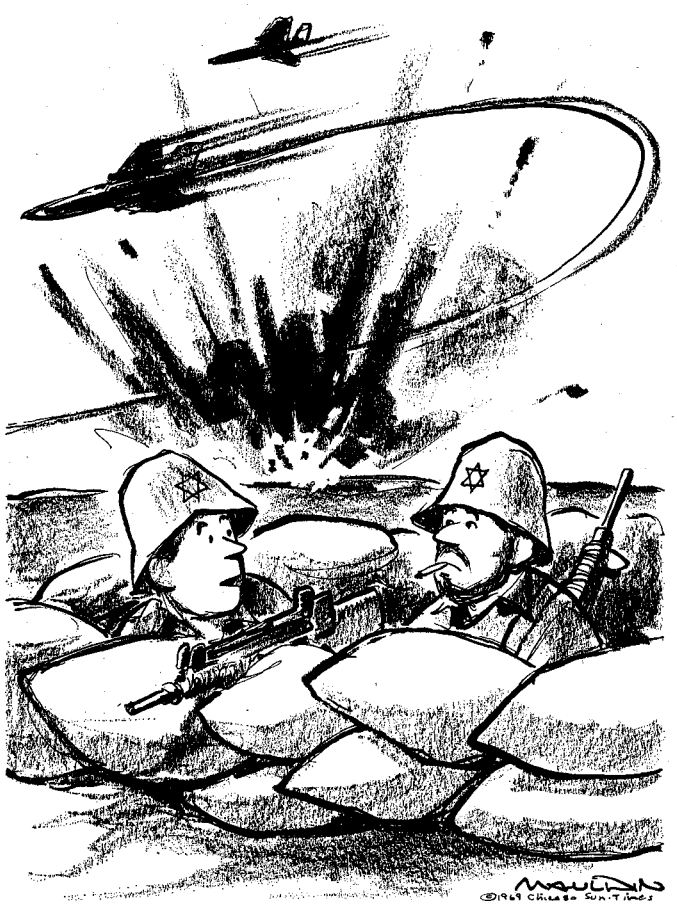
ting back in the Middle East, the Kremlin leaders have promised Syria's President additional military and economic aid, and when Nasser comes to Moscow next month, he will certainly not leave empty-handed. The 700 or so Egyptian guns which are firing daily across the Suez Canal use only Soviet shells (Egypt produces none). Soviet investment in the development of oil fields in southern Iraq, strikingly similar to that of companies from capitalist countries, makes it necessary to divert substantial capital from less risky development projects within the Soviet Union and other Communist countries. In brief, the Kremlin apparently does not intend to sacrifice friendship with the Arabs for the sake of the United States. The Middle East is still considered fertile ground for Soviet enterprise.

None of this means that the Nixon Administration has given up hope that coexistence can replace confrontation. The President continues to attach great importance to dialogue, as do the Russians. This is illustrated by the recent trip to Moscow of Mr. Sisco. Both countries have not forgotten the trauma of June 1967, when the Pentagon Hot Line had to be hastily reactivated in order for there to be an exchange of assurances of nonintervention in the Arab-Israeli war. Both wish to avoid any similar ordeal. An unwritten agreement seems to have been reached to transform the dialogue on the Middle East into a kind of semipermanent institution. Following Mr. Sisco's visit to Moscow, Ambassador Dobrynin will return to Washington and the talk will go on. Meanwhile, the Arabs are no more prepared than they ever were to accept the consequences of the six-day war; nor are they willing to effect a change in the status quo by negotiating an agreement with Israel. The problem all along has been an adament refusal to admit that Israel is here to stay. The Arabs have no taste for compromise. Indeed, had they in 1945 accepted the entrance of some 50,000 Jews into Palestine (Truman asked for 100,000), Israel might never have been created.



"The six-day war is 700 days old."

The Israeli attitude is easily defined. For the past five years, they have thought they could not afford to lose a single battle, that they must in each instance fight on their own, counting only on foreign arms that they buy with their own money and that of the Jews of the world. Today, because an attack is often the best defense, Israeli planes take to the air all around their country's perimeter as soon as Israeli ground radars spot Egyptian or Syrian planes flying nearby, though often probably well inside their own territory. The Israelis choose not to wait until after hundreds of Egyptian and Syrian pilots now training in the Soviet Union return home.

Israel's main concern at the moment is the Suez Canal front. Nasser is bound to continue his probing attacks, and Israel will not indefinitely limit herself to repelling them. A decision to deal Nasser a decisive blow, which the Israeli Army is certainly capable of delivering, could dangerously escalate the conflict. In general, Israeli conduct has always been dictated by one imperative: the lack of any other alternative. While the Suez Canal battle intensifies, it is fascinating to observe the inability of the United Nations, or the Big Powers, to do anything to prevent it. After having remained silent for months while his observers posted along the Canal were being shot at by the Egyptians, the UN Secretary General finally admitted that a "state of virtual war" exists along that line. The Security Council, whose major purpose is to prevent such situations from arising, has not even debated the matter. As often before, the conflict proves to have its own dynamics and goes on irrespective of the desires or dictates of outsiders.

By its unwillingness to act as a brake, and indeed by choosing to serve as an accelerator, the Soviet Union runs a considerable risk. It also leaves the United States little choice. Fortunately for Washington, Israel is an infinitely less unreliable, less demanding client than are Nasser, the Syrians, the Iraquis, the Yemenis. Until now, Israel has paid for all the Phantoms and the Sky Hawks it has got or will soon get. Its only request to Washington has been to do what it can to prevent the Soviets from intervening directly. The Israelis remain confident that they can take care of themselves in any local conflict.

Philip Ben

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Vietnam Withdrawal?

Nixon and the Liberal Republicans

by John Osborne

A notion is abroad that the Republicans in Congress are coming down with a severe case of liberalism. The infection is alleged to be especially acute in the Senate. President Nixon's obvious assumption that the national trend is conservative is said to be questioned by an important number of Republican Senators. His barely existent legislative program is reported to be in peril from dissident Republicans and partisan Democrats alike. His loyal and bumbling leader of the Senate minority, Everett M. Dirksen of Illinois, is similarly reported to be in danger of displacement by outraged Republican colleagues.

There is some basis for these impressions, but not as much as recent accounts indicate. It doesn't take much liberalism for a Republican Senator to be labeled a liberal, which is to say, an active or potential rebel against the Nixon-Dirksen leadership. Senate statistics put the matter in its proper perspective. There are 43 Republican Senators. The most wishful estimates count no more than 15 of them as either consistent or occasional liberals if the term is deemed to connote anything beyond intermittent irritation with Senator Dirksen and spotty support of Administration proposals. The reputation of the President's party for fiscal and social caution, and the Nixon Administration's declared dedication to the same, are perfectly safe with the majority of GOP Senators.

Nobody in Washington is more aware of this than such veteran Republican liberals as John Sherman Cooper of Kentucky, Clifford Case of New Jersey, and George Aiken of Vermont. They know that they and their few fellows are a minority, and a rather isolated minority at that, within the Senate minority. President Nixon has done nothing to diminish their isolation. Despite their seniority and personal prestige, they never gained access to Mr. Nixon to present their views in opposition to the deployment of an anti-missile system, for instance, before he committed himself and his Administration to Safeguard. Senator Case had to wait three months for a requested meeting with the President and was finally granted 20 minutes in late June. He and others like him understand, as some of their colleagues and many journalists do not, that such current issues as the ABM do more to distort than to clarify the actual balance of ideologies within their congressional party. The substantial Republican opposition that they and younger Senators, notably Edward Brooke of Massachusetts, have been able to rally against Safeguard and against the testing and deployment of multi-warhead rockets reflects a significant degree of Republican independence on these issues. But it is a poor indicator of Senate Republican attitudes toward the kind of measures – welfare and tax reform, crime control, racial equity are examples – that separate liberals from conservatives and lend whatever meaning remains to those tattered terms. Lesser but also substantial Republican opposition to present levels of military spending, with the accompaying demand for "new priorities" in the allocation of resources, will be meaningful only when the time comes to determine the uses to which Congress puts the money diverted from arms – if useful amounts are diverted,

The impression that Senate Republicans are headed along a newly enlightened course arises in part from the performances of five of this year's Republican freshmen and from that of a sixth, Charles E. Goodell of New York, who was appointed by Governor Rockefeller to Robert Kennedy's seat last year. Goodell, William B. Saxbe of Ohio, Charles McC. Mathias of Maryland, Marlow W. Cook of Kentucky and Richard S. Schweiker of Pennsylvania have defied the tradition that Senate fledgings should be seldom seen or heard and thereby have drawn much attention. Robert Packwood of Oregon, who defeated Wayne Morse and at 36 is the youngest Senator, has ducked attention in the belief, possibly sound, that his calculated modesty and his relatively restrained views will get him farther and faster along the Senate road than the aggressive tactics of his fellow-juniors will get them.

If liberal stances won the general esteem of Republican Senators, Goodell would be their darling. He isn't. He is for rapid disengagement from Vietnam, for cutting military expenditures and increasing social expenditures, for a vigorous attack on hunger, for humane anti-crime measures, against big farm subsidies. He flew to Nigeria to make a case for effective aid to starving Biafrans, to San Francisco to dramatize the case of the Presidio "mutineers," to Los Angeles to lead an anti-ABM rally and to support that city's Negro candidate for mayor, Thomas Bradley. He pledged support for Mayor John Lindsay of New York, regardless of whether he won the Republican nomination, and

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kept the promise after Lindsay lost to a blatant conservative. Alone among Senators, Goodell took the floor to denounce Dirksen for his autocratic veto, in behalf of the American Medical Association, of Dr. John Knowles' abandoned nomination to be an assistant secretary of HEW. Goodell, whose voting record during four terms in the House prepared nobody for his present behavior, acknowledges that "I have a problem now with instant recognition and with my reputation for instant liberalism." The sad truth is that his Senate colleagues, of all persuasions, will not be as sorry as they should be if he is defeated for nomination and election next year, as now seems likely.

Senators Saxbe and Cook suffer, though not as greatly, from a comparable reputation for "campaigning one way and voting another." They were grateful to Senator James B. Pearson of Kansas, who is in little or no danger of being called a liberal, for placing in the *Congressional Record* the other day a news story that argued, with more kindness than accuracy, that their Senate positions are quite consistent with their campaign positions. They oppose ABM and multi-rocket deployment, vigorously advocate "new priorities" and reduced military spending and commitments, and maintain that the Nixon Administration so far has been much less alive than it ought to be to "the enormity of the discontent in this country." They oppose Safeguard on grounds that it will cost too much, probably won't work, probably will be outmoded even if it does work, and therefore entails a waste of money. They say, as Cook puts it, that this shows them to be "true fiscal conservatives" and "consistent conservatives" rather than "liberals." They promised in their campaigns to oppose extension of the surtax and declare, in distinctly un-liberal fashion, that no amount of attached tax reform will persuade them to vote for it.

Mathias and Schweiker came to the Senate from the House, where they earned reputations which they are sustaining now. The surtax excepted, they share most of the positions taken and concerns expressed by Saxbe and Cook, but all four of them say that a tendency to group them at the core of an emerging liberal Republican bloc exaggerates the nature and degree of their collaboration. Like Saxbe and Cook, Mathias and Schweiker discourage a similar tendency to identify the most emphatic liberal of the lot, Charlie Goodell, with them, and their own liberalism is considerably short of total. Schweiker, for example, talks in standard conservative style when he applauds President Nixon's preference for "strict constructionists" who will "interpret the Constitution, not rewrite it," on the Supreme Court.

Confronted with the suggestion that he has lain so low as to be almost invisible, Senator Packwood said that "I have, and I am glad that I have." He is for Safeguard, against multi-warhead deployment before arms negotiations are opened with the Russians, for surtax extension ("with some reluctance"), and not discernibly against any major Nixon domestic policy. Yet Senator Aiken, a shrewd judge of his younger compatriots, perceives in Packwood the makings of a valued moderate, if not downright liberal, Republican associate and rates him among the best of the new Senators. However accurate this judgment may prove to be, Bob Packwood is certainly nearer the Republican norm than the more vociferous dissidents are. He was the only Republican freshman invited by Nixon to join 25 congressional establishment types, Republican and Democratic, for a recent nighttime cruise on the Presidential yacht *Sequoia*.

Have the nonconformist Republicans, whether liberals or "true conservatives" in the Cook-Saxbe mode, had any impact upon Administration policy? "Ask me that 30 days from now and I may be able to answer," Senator Mathias said in late June. Mr. Nixon has made some effort, though not much, to have an impact upon a few of them. He has done Cook and Saxbe the rare honor of inviting them to the White House for private talks lasting an hour or so, mostly about their stands against Safeguard. Some of the others have been included in group occasions, such as the President's Sunday services in the East Room of the White House and the coffee sessions that usually follow. Only once, however, has the President asked a group of Senators identified with the liberal-to-moderate wing of the party down for a serious discussion. That occurred on the late afternoon of June 30, and the event deserved more notice than it got in the national press.

Three of the President's five guests were Schweiker, Cook, and Mathias. The others were Pearson of Kansas and Charles Percy of Illinois, who was invited in the stead of Senator Brooke, who had to bow out because of a death in his family. It appeared afterward to at least some of the Senators that they had experienced Mr. Nixon's major effort to date to counter the developing impression that he was turning – predictably enough, but still disconcertingly for such Senators as Percy and Schweiker – away from them and to the extreme Republican right. The subject uppermost on the President's mind was Vietnam, and his way of appeasement was to tell them what they wanted to hear. From the leaks that the President should have anticipated and probably did, it also appeared that he

COMING: a report on the differences between police work in Western Europe and the United States

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had scrapped the cautions that had previously hedged his announced policy of disengagement. He proposed, he was said to have said, to withdraw just about all American troops, combat and support, from South Vietnam and he hoped to complete the process before next year's congressional elections. This he intended (or hoped?) to do regardless of how the war and the Paris negotiations went. It was a political necessity: Republican candidates for Congress would be sunk next year and he would be sunk in 1972 if it were not accomplished. In forgoing "military victory," as he had in his May 14 Vietnam policy speech, he had also forfeited the option of re-escalating the war. His only practical alternative, and this neither he nor any of his spokesmen had ever said before, was complete military withdrawal rather than the limited withdrawal previously indicated by him and recently advocated, to his seeming irritation, by former Defense Secretary Clark Clifford. Asked to verify or deny a *Los Angeles Times* report based upon the leaked accounts, a White House press spokesman let the story stand.

Whether or not Mr. Nixon said and meant all that he was understood to have said, he had the intended effect upon one of his guests. "I was extremely pleased," Percy later wrote in one of his periodic letters to Illinois Republicans, "by the positive tone of the President's remarks."

Giving the Consumer "Class"

by David Sanford

It is in the nature of consumer fraud cases that victims almost never recover their losses, since claims generally are smaller than the cost of paying a lawyer to go to court. A consumer can complain to the Federal Trade Commission, but even if the FTC is interested, investigates and finds fraud, the most it can do is order a merchant or finance company to stop defrauding its customers; compelling restitution is not within the FTC's limited powers. Better Business Bureaus, Bess Myerson, Action Line, Consumers Union, and Ralph Nader all receive complaints, but they offer only cathartic relief.

There are signs, however, that Congress, the courts and other agencies are becoming interested in consumer class actions – suits by one or a few consumers in behalf of all consumers similarly abused. A lawyer is rarely interested in representing a poor client who has been done out of $400 by a finance company operating illegally, but if he can represent thousands of consumers identically defrauded, he has an interesting and potentially lucrative case.

All states and federal law provide for class actions by litigants who can establish a "unity of interest," but the laws are variously interpreted and, in most states inhospitable to class actions. In New York, according to Philip Schrag, a lawyer for the NAACP Legal Defense Fund, the courts go in for "metaphysical nitpicking," interpreting "unity of interest" to mean "that if 10,000 people sign the same contract – physically the same piece of paper – one person can sue in behalf of all of them. But if they sign 10,000 separate, identical, contracts then they don't have a 'unity of interest.'" The effect in New York and elsewhere is to discourage class actions. (Ironically, California, which has the same statute as New York, interprets it liberally and is a congenial place for class actions. In a recent Yellow Cab case, a judgment required refund of overcharges to Los Angeles taxi users.)

Class actions may soon be more common across the country. In the antitrust field, for instance, lawyers representing 43 states have arranged an out-of-court settlement with five huge drug companies providing for refunds of $120 million in overcharges for antibiotic drugs sold between 1954 and 1966. A New York City federal court in December 1967 convicted Charles Pfizer & Co., Inc., American Cyanimid Co. and Bristol Myers Co., Inc. of conspiring to fix prices of tetracycline and related broad-spectrum antibiotics and of conspiring to monopolize the market in these drugs. (Olin Mathieson Chemical Corp. and Upjohn Co. were named as co-conspirators.) The conviction laid the companies open to civil antitrust suits by states, cities, hospitals, insurance companies, and individuals who had been overcharged. To avoid suits and conceivable judgments of as much as $500 million the companies, all the while denying liability, have offered to settle claims out of court for $120 million. [Last week the government filed a $25 million damage suit against

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Pfizer and Cyanimid alleging they obtained their patents for tetracycline fraudulently.]

The tetracycline settlement is the largest in antitrust history – an accomplishment for which David Shapiro, one of the lawyers retained by New York, deserves major credit, since he chose to sue not in behalf of New York alone but for New York "on behalf of all that state's ultimate consumers." The individual purchaser of the involved drugs – if he can locate his records or signs a notarized statement detailing his expenditures – will be compensated for the overcharge. (On Tuesday, July 1, the drug firms placed ads in daily newspapers throughout the United States explaining the procedure for refunds. The ads reportedly cost more than $200,000.) Consumers will thus benefit from a settlement that would never have been practicable had they sued as individuals with small claims.

The drug case was not, strictly speaking, a consumer class action, since it was brought by government in behalf of itself and its affected citizens rather by *a consumer* in behalf of all consumers.

In New York and elsewhere state laws allow groups with common interests to bring damage suits in the area of consumer frauds. Thus, the New York court of appeals early this month agreed to hear a suit brought by Edna Hall and William Russell, two low-income consumers, against the Coburn Corporation, a large finance company. The two contend that they are among thousands of persons who purchased furniture and appliances under installment contracts sold by stores to the Coburn Corporation. The contracts, it is alleged, were printed in type smaller than the eight-point type required by state law. On this technicality the two hope to recover for themselves several hundred dollars in service charges paid on the "illegally drawn" contracts, as well as refunds to thousands of other persons who signed identical documents. The $200 that Edna Hall hopes to recover is not enough to interest any lawyer, since thousands of dollars have been expended fighting her case, exclusive of lawyers' fees. But by fighting the case as a consumer class action, her lawyers hope to recover hundreds of thousands of dollars.

The Coburn case was dismissed in two lower courts as an improper class action and it now remains for the appeals court to determine whether that judgment is to be sustained; whether, that is, there is a true "unity of interest."

Philip Schrag has filed a second case in the US District Court to recover damages for a group of students allegedly bilked by a ski-tour organizer. Schrag is basing his argument on a law (the Lanham Act) under which businesses often sue competitors for false statements made in the interstate sale of goods and services. Schrag wishes to apply the law to *individual consumers* as well and in so doing open the federal courts to consumer class actions under the Lanham Act.

Paul Lurie, a Chicago attorney, is suing Montgomery Ward in behalf of about 6,000,000 Ward customer who last year were mailed unsolicited credit-life and disability insurance policies covering their Ward charge accounts. The policies were accompanied by a letter informing charge customers that they should notify Ward's if they did not wish to pay for such policies but that otherwise they would be billed. Lurie charges that the solicitation was a deceptive merchandizing scheme, contrary to accepted merchandizing techniques in which a customer's specific acceptance rather than his mere silence is required to consummate a purchase. Were Lurie representing a single client the suit would not be worth trying. Representing millions of clients, he stands to collect several million dollars for them if he is successful.

Mayor Lindsay's energetic Commissioner of Consumer Affairs in New York City, Bess Myerson Grant, has proposed to the City Council a consumer protection act which for the first time provides for restitution of money to victims of consumer frauds. The bill, which Mrs. Grant expects will be passed after hearings this fall, would give her agency power to bring suits on behalf of the citizens of New York. It would establish in her department an office of consumer's advocate, which

Deductible Wrongdoing

The $120 million that has been offered by five pharmaceutical companies to those who bought tetracycline and other antibiotics for which the companies allegedly fixed prices contains one large insurance feature. Half the money is tax deductible – saving the pharmaceutical companies, and by the same token costing taxpayers, some $60 million. The sale of broad spectrum antibiotics is a $100-million-a-year business.

The Internal Revenue Service ruled, following the GE-Westinghouse price-fixing case five years ago, that penalties (amounting to more than $200 million) were deductible as "necessary business expenses." Joseph Rosapepe, information director of IRS, explained last week that the word "necessary" relates to the fact that if it weren't deductible the penalties would "put the companies out of business," and that it is "ordinary and necessary" for corporations "to protect themselves from losses." It is an interesting interpretation of the law, an interpretation which does not apply to penalties individuals find it "necessary" to pay, such as traffic tickets. Senator Philip Hart has a bill pending in Congress that would nullify the IRS ruling.

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would investigate and litigate complaints of fraud and when successful in court, arrange for money to be returned to those defrauded. Simon Lazarus, executive director of the City's Department of Consumer Affairs, says he anticipates that law will be copied by other cities and serve as a model for a federal consumer's advocate program.

Finally, at the federal level, Senator Joseph Tydings of Maryland will hold hearings of his subcommittee on judicial machinery July 28 and 29 to consider his bill to give the federal courts jurisdiction in consumer class action cases. It is Tydings' view that despite new laws and court decisions favorable to consumers, there is still no effective way under state laws for victims of fraud to recover losses. Because most states have laws hostile to class actions, Tydings would shift to the federal courts authority over all class actions nominally involving interstate commerce and the possible violation of state or federal law. Lawyers who represent a class of consumers would be eligible under Tydings' bill to collect as fees up to 10 percent of damages and financial penalties won in court.

A lawyer familiar with Tydings' thinking, says his strategy so far has been "to keep his bill very quiet, very private, very small and try to get it through the judiciary committee before the finance companies find out what's going on." He didn't send out a press release when he introduced the bill – a very rare thing. The reason for the secrecy, of course, is that if enacted, Tydings' "Class Action Jurisdiction Act" would give the individual consumer immense leverage. One consumer bilked of $20 has never been much of a threat. But a million consumers each similarly defrauded and represented in a single suit constitute a potential $20 million headache for a finance company or retailer. Such judgments would make the practice of consumer law very profitable for attorneys, and redress the balance of power in favor of the consumer.

The Wanderer We Would Rather Not See

Peonage in Florida

by Robert Coles and Harry Huge

Around October, cold spells begin to reach up North and into the Midwest, and thousands of Americans remind themselves that in a nation as large as ours, spread out over so many latitudes, a willing traveller can find summer anytime. So the trek to Florida begins. The southern part of the state begins to bulge with the rich and the not-so-rich, the owners of winter homes and the one-week guests who fill up thousands of hotels, motels and rooming houses.

Others also manage a return to Florida in October, though to get there they don't use jets or toll roads. Often they even shun our new and free interstate roads, and if asked why, they demur, or quickly assert their wish to move quietly, to attract nobody's attention. Yet, they do get attention. When they arrive at a state line, they may be met by the police and told to go right through, fast and with no stops at all; if they should try to pause here and there, to use a rest-room or enter a restaurant, they are quickly singled out and shouted at and pushed away. The owner of one gas station in Collier County, Florida told us who these other winter visitors are: "They're dirty, the migrants. They'll come by, and I tell them to scram. They'll ruin your restrooms for good, inside an hour. Sure, we need them here, to pick the crops, but that's all they're good for, if you ask me, and I've lived here all my life and seen them come and go each year. I'll tell you – I don't even want to sell them gas. You know why? We're a first-class station, and if tourists or the regular people here drove up and saw those migrants around, they'd go somewhere else with their business, and I wouldn't blame them. You don't come from up North all the way to Collier County, only to find yourself standing next to – the likes of them."

What *are* they like? Where do they come from and how do they live, the some one-hundred-thousand migrant farmers who each year harvest Florida's vegetables and fruit, worth millions of dollars?

Actually we don't know all there is to know, because the migrants commonly slip by census-takers or local officials charged with recording births and deaths. Nomads, itinerants, wanderers, they live everywhere and nowhere. Each county of each state calls them someone else's responsibility, though in all places the ter-

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ribly hard and demanding work they do is considered essential. Nor has the federal government ever seen fit to step in and say, yes they will in a sense belong to all of us, for whose benefit, after all, so much of that travelling and stopping and cutting and picking is done. On the contrary, migrant farmers are denied just about every benefit that 30 years of struggle achieved for other workers – such as the right to organize into labor unions without harassment and bargain collectively with employers, and the right to get unemployment insurance or a degree of compensation for injuries sustained at work. Most migrants can't vote, are ineligible for any kind of welfare or other advantages and services that towns or counties offer their residents.

Here is how one migrant worker talked to us about his life as a virtual peon: "Well sir, I was born in Louisiana, I was; my daddy worked there on shares, and before him my granddaddy, and I guess it goes back to slavery. (My granddaddy, he'd tell us about all the slaves he used to know, and how one by one they died, and when the last slave died – I mean that was a slave before they was all set free – well my granddaddy, he said his mother said she hated to see him die, but it was just as well we tried to forget about slavery.) I guess I thought I was going to stay there, in Louisiana, but I sure didn't, I'll tell you. I was thirteen or fourteen, I think it was, and my daddy was telling us that we were in real bad trouble, because the government up in Washington was giving the bossman a lot of money, and in return he wasn't doing as much planting as before; and what he was planting, he was going to do it all by machine and he didn't need us anymore to pick the crops. So, he told us we could stay there in the cabins, but that was all, and the sooner we went up to Chicago the better, he said, and my daddy was all set to go with us, but we got the message that his sister up there had died all of a sudden, and he got scared to go.

"I remember him saying that if we went up there, we'd all die like his sister, and if we stayed down on that plantation, we'd not last long, and so there wasn't anything to choose – except that one day a man came along, and he was going from door to door, he said, and signing people up for work, to pick the crops he said, over in Florida. And he told us, I remember, that all our worries was over, and all we had to do was go on over there with him and the others and do what we knew to do, pick some beans and some tomatoes and like that, and it wasn't any different from working on cotton, and maybe easier, he said. So daddy told us he thought we should go, and there was, I think, five or six families he got, just from our bossman's place; and of course he got others. And would you believe it that they had these buses, four of them I recall, and they put us on them, and they looked like the school buses, only they were older, much older, and soon we were on the road, yes sir; and I'll tell you, it's been a lot of that ever since, moving here and there and everywhere, until you don't know where you're at and how you'll ever stop. Believe me, sir, we wants to stop and find us a place to live, all year round, like other folks do. But if you're trying to eat, and you owe them all that money, and you have to eat while you try to get even and not be owing them, well then, you just have to go up North and come back, or else they'll have you in jail, I'll tell you that, or worse than that, much worse, they'll just go and pull the trigger, I believe some of them might, if you tried to run free of them. And I'd like to know where you could go even if they let you, and they didn't try to stop you, and they didn't call the sheriff, and they even drove you where you wanted to go. We wouldn't know where to go, because the people, they just don't want us, to use their restrooms or even buy from them. They'll tell you to 'git,' and they sure mean it, you can tell on their face by the way they looks down on you."

His story is not unusual. Thousands of sharecroppers and tenant farmers have gone North to our cities, where they frequently found no work and went on welfare. Thousands of other field hands have given their lives to constant travel and the hardest, most menial jobs, for which they are called "lazy" and "shiftless" and paid the lowest possible wages. (Only recently did farm workers come under the protection of the minimum-wage law, and their minimum wage just moved up from $1.15 to $1.30 per hour, whereas other workers are guaranteed $1.60 per hour.) Worse, migrants like the man just quoted fall victim to a kind of peonage that seals not only their fate but that of their children. They are brought to Florida, whole families or single men or single women or groups of teen-aged children. The men who bring them are called "contractors" or "crew leaders," and are paid, say, "50 dollars a head," (their words) by growers. The frightened, confused former sharecroppers and their children are housed in camps and put to work, but soon they discover that in return for long hours on their knees out in the fields they will get very little cash. For one thing, in the course of a year there are days, even weeks, when there is no work to be had. The migrants move from one camp to another, and become part of a world few outsiders know anything about. The camps have their own stores and vendors, and are often guarded by "camp boys" who walk around with guns. Migrants are told they cannot leave unless all their debts are paid; the ledgers are tallied by the men who own and run the camps.

"There's always something you owe them," we kept on hearing as we talked with one migrant after another. From Rodolfo Juarez, a new and young leader of Mexican-American migrants in Florida (they make up about half the state's agricultural workers), we heard it spelled out: "I was born in South Texas, in

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San Benito, and when I was about fifteen I was sold, that's right. They came and got a whole group of us and told us there was a lot of money to make up North and over in Florida, if we just went along with them, and they'll take us and even feed us. I now know they got so much money from the growers for each body they brought up from Texas. Well, we were living like animals where we were, and getting practically nothing for doing crop work in south Texas, so we thought: why not? why not? I was taken up to Indiana and Ohio, to work on farms there, and then we tried to break out, but it's hard. They tell you that you owe them for the food and the transportation and the mattress on the floor you use for sleeping, and they tell you that if you try to leave, they'll get you thrown in jail and you'll never get out until you pay your bills. How else can you pay them but by going back to work for them, and when you do that, you have to eat and you have to sleep somewhere and a lot of the time there's no work, until it's time to harvest, and so you're their property, that's what it amounts to with some of those contractors. They own people, that's what, unless they escape, like I did; but I'll tell you the truth, a lot of migrants – you know, they're Mexican-Americans like me, or black people, and a few are white, yes, but not many – they're not aware of their rights, and they're scared, and they should be. Have you seen them patrolling some of those camps? The men will ride around with guns, and the crew leaders will herd the people into the trucks to go picking. They stand them up and they look like cattle going to the market, and that's no exaggerating."

We visited the camps and the fields all through Collier County and Palm Beach County. We saw the same sites that recently shocked Senator McGovern's Select Committee on Nutrition and Human Needs: broken-down shacks, some without even windows, some nothing more than enlarged outhouses without running water or heat, a few even without electricity, all of which rent for $10, $15, even $20 a *week*. The drinking water is often contaminated, taken as it is from superficial wells located near garbage-filled swamps. Children are supposed to walk a quarter of a mile or more to unspeakably inadequate outdoor privies. There are no showers, no baths, no stoves and often no refrigerators. Entire families live in one room, sleep, if lucky, on mattresses, live on soda pop and bread and grits and fat-back and cheap candy. Yet, Collier County has no food-stamp program, no commodity food program, and no welfare program for migrants, who have been called by local officials "federal people," or "not our people." In Collier County's Immokalee, an Indian word which ironically means "my home," we saw children not only hungry and malnourished, but obviously and seriously ill, yet never seen by physicians. Born "on the road," brought up on buses and trucks, or carried from farm to farm in cars, left to themselves in the fields and, when twelve or thirteen, quietly put to work in the fields, they nevertheless have to be considered fortunate if they are still alive, since the infant mortality rate for such children in places like Collier County is estimated to be about five times that of other American children. The children are badly frightened and confused. They live unstable, chaotic lives and feel at loose ends, worthless, virtually dead.

One of us spent two years studying migrant children in Belle Glade and Pahokee, Florida, and we recently went to see some of those children, a little older now but still to be found (through a minister) in one of the camps: "Yes, we're soon to be going north again," a ten-year-old boy told us. "I'm afraid each time that we won't get back here, but we do." How did school go for him this year: "Well, I didn't get there much. We moved from place to place, and I helped with the picking a lot, and the schools, when you go to them, they don't seem to want you, and they'll say that you're only going to be there a few weeks anyway, so what's the use." What does he want to do when he gets older? "I don't know. I'd like to stay someplace, I guess, and never have to leave there for the rest of my life, that's what. I could have a job – maybe it would be where they make cars and trucks and planes. I could make plenty of money, and bring it home, and we'd all live on it, my brothers and my sister. But my mother says someone has to pick the crops, and we don't know what else there is to do, and they'll come and beat you and throw you in the canal, the crew leaders, if you cross them; and then you'd be dead in one minute. So, we'd better stay with the crops; because my mother is probably right. I hope I never fall in one of those canals. You can never get out. They're deeper than the ocean I hear. I've never seen the ocean, but I know it's not far away."

The ocean is indeed nearby – Palm Beach and all its glitter to the east, and to the west the more sedate but no less wealthy Naples, the seat of Collier County's government. One can drive the major roads of Palm Beach County or Collier County and get no idea what is happening down those dusty pathways that lead to fields and camps and "loading zones" where human beings are picked up and left off. "There's no end to it," a migrant mother said to us in Immokalee, "you just hope you'll die in between picking-time, so you're resting. I'd hate to die on the road, yes sir; my children, they'd never find their way back to Florida. I guess that's our home, yes sir. We spend more time there than in the other states; but I'll say this, they're not very good to us there, if you ask for anything."

What has she asked for? What does she need that Collier County might supply, particularly since the county's officials have publicly acknowledged that without migrant workers like her its huge farms and its dozens of well-equipped packing houses would be

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worthless? She is, of course, rather modest when she talks about her needs. She'd like good food for her children, particularly during those weeks when she is waiting for work. (The migrant's average annual income is $1,700 a year.) She would like to be paid in full for her work. (Migrants repeatedly claim they are short-changed – given, say, five dollars at the end of a day and told that for "meals and transportation" they have been charged another five.) She would like to find decent housing and pay a reasonable amount of rent: "In Immokalee a few white men own everything. They push us into those little rooms, one for each family, and you pay $20 a week. If you go to the camps, after they deduct the rent you've got no money left, and they tell you that you owe them some, on top of it."

She is not about to fight things out with Collier County's officials. We saw a little of what frightens her – those "camp-boys" and labor contractors driving pick-up trucks fitted with gun racks that hold three or four rifles. We saw a jail in Immokalee, only recently abandoned, whose cramped and primitive quarters must rival anything that ever was or is in Siberia. On the other hand, we met up with a fine group of lawyers who are fighting hard for that woman and others like her under a program called the South Florida Migrant Legal Services, begun in April, 1967 under an OEO grant. Lawyers cannot by their exertions alone bring social and economic justice to a group of people variously called in the last two or three years, not a half century ago, "the slaves we rent" or "serfs upon the land" or "America's wretched of the earth." Yet, every day migrants feel themselves victimized, cheated, deceived; and they have no past experience with lawyers, no money for them, and no belief that a law suit will lead to anything. Now, for the first time, some of those Florida migrants have found out that there are intelligent and compassionate men who know the law and are ready to represent the interests of people who haven't a cent to offer for legal fees. No social revolution has occurred in Florida, but at least a few complaints on behalf of the migrants are being made – and as a result the growers and crew-leaders and labor contractors and real estate groups that employ migrants and herd them about and rent shacks to them have become convinced that the South Florida Migrant Legal Services must be brought to an end very soon, when the OEO grant runs out. Florida's political leaders are putting strong pressure on OEO to refuse another grant, and though the agency's staff reportedly has high praise for the program, the real test will come not only when (and if) refunding takes place, but after Governor Kirk exercises his expected veto, and OEO's new chief, Donald Rumsfeld, decides either to stand firm and override the veto or allow one of the agency's best programs to be killed. It is, too, a program that aims to change things through legal action, through reliance on court orders and "due process," those quiet, slow, patient maneuvers we are daily urged to respect.

Meanwhile, Senators come and are horrified and ashamed. Tourists drive by and if they see anything, shake their heads and wonder how many miles to the next Holiday Inn. People like us quickly find ourselves out of Collier County's Immokalee and safely in Collier County's Naples – where we can eat well and take a swim, and give vent to our confusion and sadness and most galling, our frustration: how can our words do justice to the misery and heartache we have seen, and how can we describe and make unforgettable the worried, pained faces of boys and girls whose bodies are thin and covered with sores and bites and covered also with Florida's rich muckland, whose crops those children have harvested? Back in Immokalee we were offended, disgusted; later in Naples there was the tropical green water and the soft sand and a long, long pier where we could stand and discuss things with Michael Foster and Michael Kantor, two resourceful young lawyers who work for the South Florida Migrant Legal Services in Collier County and every day try to get housing codes enforced, and money paid to people who have bent and stooped from dawn to dusk, only to be denied their rightful earnings, or who have gone for weeks without work, without unemployment compensation, without relief payments.

We stood on the pier for a long time and looked at sworn affidavits that had been taken six months ago and sent up to the Justice Department, affidavits that spell out the details of peonage: "From October 17, 1968 until late in November 1968, I was only paid wages of $5.50. I went to the camp authorities to ask why I had been paid so little and they merely responded they had paid three doctors bills for me and that I was not due any money at this time. To the best of my knowledge I did not have three doctor bills while I was at Camp Happy." During her stay she "had many problems" with the camp guards. She was beaten, thrown across a room, told she might be killed. When she asked to leave, one of the camp's guards said "I could not go because I owed $25 to the company." What is more, others kept on arriving to share her fate: "On January 11, 1969, a bus with forty-two people arrived from the state of Mississippi. . . . Around half of these persons were under sixteen years of age and were not accompanied by adults. The man who brought the children to the camp was paid $15 for each person he brought." And finally, so that everybody at Camp Happy was kept happy, "persons also used to come from Fort Myers and sell narcotics at the camp. I did not know the names of these persons. They carried on their activities with the full consent of those who operated the camp."

What is to be done? The two lawyers told us they could only keep trying, keep pressing matters through

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the courts – though even that method has caused an uproar among Florida's political leaders. We said we could report on what we had seen and learned, even though we know that in past decades reports have been written and written – and the evident futility of all those words must haunt those who wrote them. Perhaps, we speculated, the only answer to the problem is one suggested by a tough, angry "community organizer" – an "outside agitator," no doubt about it, we met near Immokalee: "Look, you people can do your lawyering and your doctoring and your writing, but a lot of good it will do these people. They're in bondage, don't you see that? They're treated like animals – in a country that's the richest, fattest country in the world. They have no constituency, that's the problem. They don't even have the kind of constituency the blacks do in Mississippi – you know, the Northern liberals, with the voting laws they've put through, and like that. These people have nothing to fall back on but the conscience of the nation, and a lot of good that's done for them. I'll tell you, there's only one way to change things here in Florida, in Collier County. Over there in Naples there's Roger Blough of United States Steel, and there's the president of Grant's department store, and there's the president of Eli Lilly, and all the rest. They have it nice here in Florida. There's no personal income tax, and there's no tax on the corporations. I'll bet if the migrants started marching down that highway 846 to Naples, and fought their way to that Gulf Shore Boulevard there – well, I'll bet the people who live there would call in those sheriffs and county commissioners, and they'd call in the politicians who do what they're told to do, and say to all of them: boys, give them a bigger slice, because we don't want any more trouble here. You hear that! And then the migrants would be a little better off and you guys, you'd praise yourselves and all your attitudes and say like you always do: democracy, it's wonderful!"

We are in no danger of the kind of middle-class self-congratulations he scornfully described – the kind that follows a successful uprising of the poor. For there's no danger the migrants will be causing anyone much trouble. They will roam the land, follow the sun and the crops, harvest our food, and go on getting just about nothing.

De Gaulle's Legacy to Pompidou

How Will France Change?

by Stanley Hoffmann

If one tries to examine which part of de Gaulle's legacy is being accepted by Pompidou, the answer varies depending on the area. It is least clear in what was de Gaulle's sacred domain and ultimate concern – foreign affairs. The first statements by the new President and by his Premier, his choice of a new Foreign Minister and Finance Minister indicate at the very least a change of tone and style. The global pronouncements of de Gaulle, already rarer since 1968, will probably become even less frequent, and the rougher edges of his policy in the Middle East, Africa or Canada are likely to be softened. Military cooperation with the United States in Europe, but without any return to NATO or phasing out of France's nuclear force, is likely to increase. Attention will tend to be focused on Western Europe: the near part of the international milieu.

De Gaulle had almost ceased mentioning West European cooperation in his latest speeches. His successors have reversed the trend. But whether this means a deliberate choice of the option "modernization even at the cost of a loss of autonomy," is far from certain. It may simply mean a renewed effort, by men who have become aware of the dead ends of de Gaulle's past policy, at backing out with the hope of thereby vindicating de Gaulle's earlier expectation that the answer to the dilemma of size and sovereignty could be found in a purposive cooperation of West European national states agreed to move in the same direction. His own insistence on being the definer of the direction, his demand that agreements on procedure never precede agreements on purposes, his resort to the techniques of conflict even within the supposed realm of cooperation, his global approach so different in its high ambitions from the mediocrity of most of his West European colleagues, all of these factors had not merely killed the utopia of a federalizing Western Europe, but

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also put to sleep the notion of an "imposing confederation" which he himself had proposed. The change in tone and style has at least the virtue of placing on the other West Europeans the responsibility of deciding whether they really want a "European Europe" with joint policies, or whether their hostility to de Gaulle had merely been an alibi behind which their own growing indifference to the vision of a uniting Europe, and their own return to the traditional national ways, could be well hidden. The French call for a new assessment, by the Six, of the problems of Britain's entry, Giscard d'Estaing's proposals for closer monetary cooperation, a renewed appeal for European collaboration in such matters as technology or a legal status for European corporations have at least the virtue of smoking out France's partners, as well as the British.

Should they prove cooperative, then it would have been demonstrated, both that de Gaulle did not kill the European spirit, and that his own conception of joint policies by self-respecting states toward common objectives was right (although, in the process, a greater pooling of sovereignty than he envisaged would probably appear necessary). Also, a kind of dynamic reconciliation, not only between the other West Europeans and the French but also between the Gaullists and the "Europeans" in France could at last be achieved. Should, on the other hand, the efforts at a *relance* prove futile because of the opposition of national interests in matters such as agriculture, exchange rates, or military cooperation, then de Gaulle's *Realpolitik* would appear vindicated in retrospect, while the real losers would be all Europeans. Which of the two prospects will materialize depends in part on the hazards of domestic German and British politics. De Gaulle's departure, by itself, neither eliminates the foreign policy dilemma of Gaullism (which is really that of all middle powers), nor automatically leads to a reversal of his policies. His disappearance simply makes a European *relance* possible, and in the changed conditions of the 1970's such a *relance* is more likely to lead to a Gaullist-style confederation than to Jean Monnet's dream.

The answer is much clearer in the second area: the state. Here, something quite extraordinary has happened. For the first time in modern French history, a charismatic leader has disappeared without leaving a new scar on the French body politic, without creating a crisis of legitimacy and a break in succession. By resigning immediately and with immense, serene dignity, de Gaulle gave to his regime a democratic legitimation acknowledged even by those who had, for eleven years, deemed the Fifth Republic impure because of its origins. The referendum of April 27 was, to be sure, a reassertion of the desire for "normalcy," i.e. a setback to de Gaulle's relentless drive for Presidential authority, in favor of the other, submerged part of the Constitution – the parliamentary one. But the swing of the pendulum has remained limited. The election of M. Poher would have meant, inevitably, the destruction of de Gaulle's attempted (and failed) political synthesis, a wild swing back to the past Republics, with a weak Executive, a splintered Parliament (either after new legislative elections, or through the breakup of the Gaullist faction in the present Assembly), a contemptuous electorate incapable of determining through its votes the nature and composition of the cabinet.

Eleven years of stability without tyranny seem to have cured the French of their old attachment to this type of a political system. Whereas the weeks that preceded the referendum saw all the old-style local notables who represent this system crawl out of the woodwork, and rally behind their perfect symbol, Mr. Poher, President of the Senate, the election of Pompidou proved three points. Without Communist support, the old type of French politics, with its rural, small town and largely south-of-the-Loire bases can no longer prevail. The Communists prefer the discomfort of strong Gaullist rule to the hazards of a weak regime (for they are no longer sure to be the main beneficiaries of chaos, but can count on being the biggest opposition force in Gaullist France). Finally, the Communist decision to abstain as a way not only of stopping Poher but also of making Pompidou a weak minority President, backfired in part because many voters who had abstained on the first ballot voted on the second so as to counteract the Communists.

From the viewpoint of Gaullist doctrine, Pompidou's victory is ambiguous because Gaullist doctrine is too. On the one hand, the de Gaulle emphasis on a strong President, with a Prime Minister who is *his* man rather than a potential rival with a parliamentary base of his own, continues, both because the Presidency as an institution survived its greatest test – a sudden succession crisis in the midst of the President's term in office – and because of Pompidou's deliberate policy. On the other hand, France has moved away from de Gaulle's notion of the President's essence. To him, since French parties were inevitably contentious factions – some positively evil, others (like the Gaullist party) useful but only if kept under wraps – the President had to be "the nation's man," not a party leader, and he was not to be elected at the same time as the parliamentarians. This grand notion fitted him well, but fitted him only. Today, France is much closer to the American practice: the President *is* the leader of a party, working best (of course) if his party controls the legislature. De Gaulle could not have ruled so mightily had not the Gaullists been in control of the Assembly; but while he ruled, he kept them at arms length; and he was elected as a national hero. His party was, literally, a party of followers: the Gaullists owed their existence to de Gaulle. Pompidou, who owed his Premiership to the General,

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owes his Presidency to the Gaullists. His selection of Chaban-Delmas, the flexible Gaullist President of the Assembly, as his Prime Minister, marks his intention to let Parliament play a more visible role in the regime. Thus, the chances for a genuine synthesis of France's two political traditions are much improved. The greater strength of Pompidou in central and southern – i.e. parliamentary – France, and his selection of a cabinet that reads like a coalition of Fifth and Fourth Republic types are significant in this respect.

To be sure, the problem of French parties has not been solved: *vide* the chaos on the Left, and the split of the Center between supporters of Poher and of Pompidou. However, for the first time the nonGaullist, nonCommunist factions have an overwhelming incentive to reorganize. The illusion that a major effort at thinking through a new program, looking for new voters and building new machines – was unnecessary – because de Gaulle's disappearance would bring back the *status quo ante* – has been shattered. As for the Gaullist party, not only is it glued together by the most potent glue: power; not only has it attracted new allies, but it also is likely to play a more dynamic part, comparable to that of other Western majority parties.

The change in the conception of the Presidency has another implication, for domestic policy. A President *above* all factions, responsible only to the people, could ignore conventional Left-Right distinctions. He could, in de Gaulle's words, belong to all and to no one. After the crisis of May 1968, de Gaulle, largely reconfirmed by the Right, tried to push reforms of a Left-wing nature (which does not mean that the Left, antiGaullist as it was, supported them). Pompidou, who is the leader of a party, cannot play this grand game quite so loftily. De Gaulle, however, narrow his electoral base in 1965, saw himself as the leader of *France*, and the definer and trustee of the national interest. Pompidou, while of course calling himself the President of all *Frenchmen*, is first of all the President of a certain fraction of the electorate: the more conservative one. This is reflected in the domestic policies of the new cabinet. They amount to a promise of cautious management of the established society.

It is here that the contrast with de Gaulle is probably most striking. Participation is still mentioned, but more as a tribute to the Founding Father than as a guideline. Edgar Faure, whose university reform had been, on the whole, a success, who was on the verge of transforming secondary and primary education, and who had gained the gradual support of students, teachers and parents' organizations, has been sacrificed on the altar of law and order. Regional reform is certainly not a high priority, and participation in industry will have to wait for a miracle – initiatives by the interested parties! Insofar as France's style of authority is the greatest obstacle to modernization, the abrupt limitation of educational reform to its present, initial stage, and the preservation of the bureaucratic structure and management practices de Gaulle had wanted to dismantle are bad, if hardly surprising news. This is not only the voters' wish. One must also remember that when Pompidou was Prime Minister, no such reforms were initiated by him. The pressure from the Elysée Palace for some change in higher education and some workers' benefit-sharing scheme had forced Pompidou to budge only by inches. Undoubtedly, de Gaulle (who cannot have failed to admire his Prime Minister's behavior in the May crisis) must have held him partly responsible for its outbreak. De Gaulle's reforms, as announced, would not have amounted to a real mutation; but they might have paved the way. France is now back in the Napoleonic cage.

To be sure, Pompidou has promised to lift the stranglehold of French bureaucracy on economic life. The new President – who had been a banker for seven years – had, as Prime Minister, shown a keen interest in modernization, and he has understood the need to mitigate the social tensions which have so often slowed down or prevented French economic growth. His decision to avoid a financial policy of drastic austerity, requested by former Premier Pinay as a condition for accepting the Finance Ministry, shows Pompidou's determination to keep expansion as a major objective. But will improvements in management and productivity come fast enough for all social groups? Will not the measures which the government will have to take to fight inflation – eliminating unproductive state expenditures, which include the subsidies to declining sectors, and curtailing the rush on consumer goods – increase social tensions, especially between the workers on the one hand, the business community and the government on the other?

In the long run, it is surely true that the only solution is a considerable increase in France's GNP. In the short run, it is probably true that de Gaulle's regional and industrial participation schemes, with their legalist complexity, could have diverted attention from the need to restore the capitalists' confidence in the franc and to improve productivity, exports, or the training of skilled workers. But insofar as the obstacles to greater economic growth and to a fairer income distribution are to be found in French structures and attitudes, a state policy of enlightened laisser-faire and ad hoc self-restraint may prove to be too timid. When the state is an all-pervasive force, change cannot come from society alone; the state must deliberately act as a teacher of change and of responsible behavior. The problem, so often discussed by sociologist Michel Crozier, of the numerical and neutral narrowness of French elites, and of the persistent barriers between castes – within the civil service, within business, within education, as well as between these sectors – has not been faced. How to replace the French habit of fierce

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individual competition and torpid organizational protectionism with a system less harsh on individuals and more competitive for social groups and institutions is a problem that Pompidou, who owes his own rise to the traditional order, has shown no greater willingness than de Gaulle to tackle, and far less inclination than de Gaulle to recognize.

Let us sum up. The passage from de Gaulle to Pompidou represents a subtle mix of continuity and change. The concerns of the two men are sufficiently close to rule out any spectacular reversal – and this, in itself, is a mark of de Gaulle's statecraft. But the priorities are no longer identical. The world mission of France, the apocalyptic vision of France assigned forever either to grandeur or to disaster, are no longer at the heart of the enterprise. To de Gaulle, independence meant more than nondependence; it meant leadership and initiative, even at the cost of isolation. Pompidou's concern is likely to be more modest, although a fall back into dependence and self-doubt is excluded. Domestic policy is now seen as an end in itself, rather than as a means to increase France's "substance, influence and power." Gaullist pragmatism will serve the material welfare of the French, instead of serving de Gaulle's ambitious notion of what France's role in the world requires.

One is reminded of the shift from the postwar de Gaulle era to the Fourth Republic, which kept, at first, the General's external objectives yet reversed his priorities. However, there is one enormous difference: the strong state, whose absence forced the Fourth Republic to abandon its external goals one by one. True, the strong state is now the instrument of a huge and composite party, rather than of a great and lonely man. But in the long run this is undoubtedly a healthy change – even though it is an ironic one, since the great man probably never saw in that party anything but "the army of those who supported him" personally, and surely does not want to be remembered as the founder of any party. A strong man's hold on a strong state is fleeting. In France at least, as long as the state was feeble, no party had ever been more than a small fraction of the whole, or a large collection of little sovereign lords. With a strong state, a powerful party has a good reason for, and chance to, remain coherent. The Gaullists of Pompidou have often been called the new version of the Radicals of the Third Republic. But the difference does not lie only in the fact that the Radicals were a smalltown party with a Left-wing ideology, and the Gaullists are a more urban party with Right-wing overtones; the Gaullist party machine is also far more modern and powerful.

However, the Radical analogy has one value. The Radicals saw themselves as the heirs of the revolutionary Jacobins. The Jacobins operated in an atmosphere of tragedy and turmoil; they were as tough and terse as the happier Radicals were flabby and florid. Only the ideals were the same – but the context and methods were so different as to turn this identity into little more than a coincidence. De Gaulle might turn out to be to the Gaullists of Pompidou what Robespierre's Jacobins were to the Radicals. The ideals are, again, the same. But in de Gaulle's case, the heroic mood was of the essence, and the pragmatism of the policies served an inflexible vision and a few basic principles. Even after May 1968 and after Prague, the General did not throw these overboard. The world had proved hard to change; he decided to change France so as to improve her chances to change it. His successor – who did not fight in the Resistance – is not a man who longs for storms. De Gaulle had wanted the French political stage to remain his own, with the public as awed audience. When the public asked for participation, he offered it only in the nonpolitical spheres – where the French have traditionally shunned it. Here too, Pompidou has shifted gears, dropped participation as a method of social change, but promised decompression in the political arena.

Thus he may well be the man who reintroduces "normalcy" into de Gaulle's grand framework, just as he has brought back various politicians of the past into the cabinet, carried various parts of France that had resisted de Gaulle into his own electorate, and may coax other West European countries into renewed cooperation. The French appear ready to exchange de Gaulle's grand vision and constant activism for less demanding policies. The preservation and normalization of the regime are a plus; the greater conservatism of domestic policy is probably a minus; abroad, the benefits of diminished intransigence must be weighted against the fading of the vision. Inspiration and imagination had created strains and struggles. It is not certain that the loss of the former would eliminate the latter; what is clear is that at the altitude at which de Gaulle operated, his people had become increasingly reluctant to follow. "Great enterprises" of the kind he pursued can be a man's life ambition, yet they fascinate a nation only intermittently. One of de Gaulle's greatest achievements may have been to have kept the French fascinated for so long. Those who admired de Gaulle precisely because wherever he went, normalcy disappeared, will look at Pompidou with bitterness; one more *mystique* degraded into *politique*! Those who think that what every great founder needs as a successor is a normalizer, and remember de Gaulle's own drive for unanimity will be less distressed. As to de Gaulle's personal feelings in the matter, unless Pompidou's normalcy turns into outright betrayal, they will most probably be mixed, mostly private, and highly ambiguous if ever expressed in public.

This is the second of two articles by Stanley Hoffmann on France after de Gaulle.

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JULES FEIFFER

SON, WHAT DO YOU WANT TO BE WHEN YOU GROW UP?
A REVOLUTIONIST?
A STREET PERSON?
A HIPPIE?
OR DO YOU WANT TO GO INTO THE DESERT AND LIVE IN A COMMUNE?
©1967 JULES FEIFFER 7-20
Publishers-Hall Syndicate
DO I HAVE TO MAKE A CHOICE NOW?
WELL-WE HAVE TO APPLY.

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Stanley Kauffmann on films

True Grit
Paramount

3 into 2 won't go
Universal

The summer rash of big Westerns continues, but at least with some variety. Last week it was *The Wild Bunch*, a powerful picture that harrows the Western form almost to Artaudian depths. This week we are home on the familiar range, yet even here there's an interesting difference.

True Grit is a vehicle for an old star. Readers of the novel may remember it as a book about a girl, but it's a picture about John Wayne. What's more, although Wayne may make another twenty pictures, this one has an air of valedictory about it because it marks a change in his persona and relies on his past to certify it and because it actually ends with a scene of farewell. He plays an aging, paunchy, one-eyed, hard-drinking, profane federal marshal, and inevitably the viewer sees him against the Wayne career of almost 40 years in which, give or take a minor characteristic here and there and changes of costume, the star has altered only by very slowly growing older. Audiences have shared that long career with him, and the mutual experience (his and ours) works for him in *True Grit* much like bank-interest accrual. Our familiarity with him in one vein is what makes this different vein so effective. The difference here is not in Wayne but in audience acceptances. Nowadays a star is allowed to swear and to get so drunk that he falls off his horse. (Watch closely and you'll see that it's a stunt man who takes the fall.) It's not a performance as was Lee Marvin's drunken old gunny in *Cat Ballou*; Marvin, at the time, had little going for him but his abilities. Wayne has *us* going for him after all this time; and we not only relish his continental body and sprawl as usual, we can relish his age (liberation from the conventions of sex appeal) and his new freedom to break taboos.

Charles Portis' novel was a clever bit of *ersatz* Americana. Although it was short it was overlong by about a third; still it had a lively sentimental plot: in Arkansas, about 1880, a 14-year-old girl hires a federal marshall to track her father's killer into Indian Territory, and she insists on accompanying him. The old-man-and-the-kid bit always works, especially when the old man starts out gruff and the kid wins him over; here the kid is a girl and wins the old man over by physical bravery (his profession), so the project is doubly insured.

The film could hardly have been made with less distinction. This was presumably deliberate. Hal Wallis, the producer, is a man with long experience in turning out money-makers. He bought a bull's-eye story, got the all-important Wayne, then made sure to engage an old workhorse director who hasn't had a new idea since the beginning of his career, Henry Hathaway. Perfect. Then they got Lucien Ballard, a gifted cinematographer who can deliver what is wanted. For Peckinpah, in *The Wild Bunch*, he made the very earth look hostile and sardonic. For Hathaway and Wallis, Ballard has produced a series of postcards with unvaried blue mountains on the horizon. Costumes were made not for character but to support audience preconception of character; note the colors in the heroine's clothes. They all aimed at a received fictitious past, which is part of America's truth, just as *The Wild Bunch* was aimed at a veristic past, which is also part of that truth.

But Wallis and Hathaway have bumbled three matters, to keep the film from being as good a homespun contraption as the book. They allowed Elmer Bernstein to pour a thick Straussian gravy over the picture, a score quite foreign to its temper. Second, the chief appeal of Portis' novel was in its prose, supposedly the heroine's own vernacular. The actions themselves have much less flavor than her descriptions of them; and the dialogue, which was amusingly stilted in the girl's narrative, now sounds merely stilted much of the time. Third and biggest bumble, the casting of the heroine, the dullest discovery since the girl in *The Diary of Anne Frank*. Kim Darby's talent need not be discussed; I note only that she doesn't even have the requisite country accent.

A social student can find a few nubs to chew on in this picture. Whenever the heroine has to identify herself or prove her bona fides, she does it by stating that her family owns property. Wayne reads us a little lesson in Law and Order; he commands a rat, in mock legalistic terms, to stop eating someone else's food, and when the rat disregards the "writ," Wayne shoots him dead. Only then does Wayne's tolerant cat take any interest in the matter. (The cat, I guess, is supposed to be a liberal.) And when the heroine wants justice, she can't rely on government process; she pays a marshal to help her. All these matters sound quite authentic in context; otherwise they would not be nearly so revealing. They are part of a film made with cinematic orthodoxy to exalt deeper conservatisms through the mode of nostalgia.

Claire Bloom is an underrated actress. Well-known, of course, and technically a star; but as actress, she is as unappreciated as Jean Simmons was. Miss Bloom has made some poor choices of material, like *The Haunting* and *The Outrage*, but in a number of films (*e.g.*, *Limelight*, the Aznavour sequence in *High Infidelity*, *The Chapman Report*, *The Spy Who Came in from the Cold*) she has shown an instinct for truth and the rare quality of emotion without emotionalism. She has the gift of personal tenderness but more – and this is where she is underrated – she has some range, the ability to be affecting without being saccharine, and a regard for the validity of the life in her figurative hands.

Her performance makes *3 into 2 Won't Go* worth seeing. It's an English film in which she plays a childless wife, no longer quite young, whose marriage is becoming strained. Her husband, Rod Steiger, is a businessman who travels a lot and philanders a lot, which he knows she knows although nothing is said. They like each other still, and they want to save their marriage. Then, on one of his trips, he sleeps with a 19-year-old blonde (Judy Geeson), who follows him home and catalyzes the situation.

The script, from a novel by Andrea Newman, is by Edna O'Brien and is therefore deft and literate, but it never shakes off a certain smugness about

(Continued on page 33)

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Joseph Epstein: No Punches Pulled

An Unfinished Woman: A Memoir by Lillian Hellman

(Little, Brown; $7.50)

Oh, life is a glorious cycle of song,
A medley of extemporanea;
And love is a thing that can
never go wrong;
And I am Marie of Roumania.

Dorothy Parker wrote those lines and, slight though they be, behind them stands an unshakable view of life. Let's not fool ourselves any more than we need to, kid, this view runs, life is pretty much a crock, and distinctly not one of roses. Lillian Hellman and Dorothy Parker were good friends, and while in her memoir, *An Unfinished Woman,* Miss Hellman remarks that they were of different generations, were different kinds of writers, and had different tastes in people and books, it is not hard to understand why they got on so well. What these two formidable ladies must have noted and admired in each other were certain special virtues they had in common: an unwillingness to con themselves, a very clear recognition of the strengths and vulnerabilities of their sex, and a near total absence of sham. This extraordinary awareness, which was accompanied by a strong aversion to the phoney, formed almost a code of behavior among Miss Hellman and her friends, yet one which has never precluded noble acts. When Dorothy Parker died in 1967, for example, she willed what money she had left to Martin Luther King, Jr. Dashiell Hammett, with whom Miss Hellman lived off and on for thirty years, more than lived up to specifications when he chose to go to prison during the McCarthy years rather than reveal the names of contributors to the Civil Rights Congress – even though, in fact, he did not know their names.

There is something of the quality of a very superior American movie of the thirties about *An Unfinished Woman.* It is the work of a woman at once knowing yet without cynicism, tough yet generous, honest yet reticent – a female and super-literate Humphrey Bogart. It is an impressive performance by an impressive woman. Apparently, however, some people would have Miss Hellman otherwise, judging from the fact that more than one reviewer has complained about the absence from her memoir of an account of her life in the theater. Yet surely it was never even in the realm of possibility that Miss Hellman would come on as Great Lady of the Theater. Whatever else she is, Lillian Hellman is not Helen Hayes.

Nor is *An Unfinished Woman* strictly a memoir. It is instead an attempt, and a rather severe attempt at that, at self-examination. As W. H. Auden once remarked, "the same rules apply to self-examination in literature as apply to confession to a priest: *be brief, be blunt, be gone!*" Miss Hellman has not breached these rules. Although big names appear in her pages – among her acquaintances have been Prokofiev, Eisenstein, George Kennan, Faulkner, Hemingway, and Fitzgerald – they are confined to cameo roles. Miss Hellman has never been suitably awed by prestige or by the prestigious; part of her difficulty with theatrical people, she says, was that their glamour never meant anything to her. Somewhat like Dashiell Hammett, whom she describes as her "cool teacher," she is rarely uncharitable toward simple people, but often impatient with famous ones.

Not that Hammett ever had to teach her anything about rebellion. Miss Hellman was a rebel by nature and rebellious early on. Fear was the motive force behind her rebellion, and rather than knuckle under she chose, invariably, to buck it. "Even as a small child," she writes, "I disliked myself for the fear [of her tyrannical grandmother] and showed off against it." Her response to a great-uncle, a man of even greater tyranny, given "to breaking the spirit of people for the pleasure of the exercise," was one of open affront. When she graduated from high school at 15, he gave her a ring, which she promptly hocked, buying books with the money. Hocking the ring wasn't enough, however; she also had to tell him about it. He reacted with a remark she later inserted in *The Little Foxes:* "So you've got spirit after all. Most of the rest of them are made of sugar water."

This grandmother and uncle were part of Miss Hellman's mother's family, the Newcombs. They lived in New York, were German Jews, upper-middle-class parvenus. Her father's family lived in New Orleans, and as a child Lillian Hellman saw them as everything the Newcombs were not: generous, open, easygoing. Max Hellman, her father, was a spender and a sport, a man-about-town and a philanderer, and a man enormously attractive to his only child. After he had run through his wife's dowry, the Hellmans lived six months of the year in New York and the other six at his two sisters' boardinghouse in New Orleans. Miss Hellman was six years old when these biannual migrations began. Thus a nature rebellious and already somewhat wild was deprived of the anchor of a regular residence. Of the two cities, she much preferred New Orleans. She spent long hours perched in a fig tree, reading and dreaming, and it was there that she gained "a first recognition that there was so much to understand that one might never find one's way and the first signs, perhaps, that for a nature like mine, the way would not be easy." Her father once said that Lillian lived her life within a question mark.

It was in New Orleans that Miss Hellman knew Sophronia, a black woman who was her nurse and one of the strong, if not the strongest, influences in her life. Sophronia was tall and taci-

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turn, a person of few words and all of them delivered with cutting clarity. She was the one anchor in the young Lillian Hellman's life, and even now, in her sixties, Miss Hellman can write: "Oh, Sophronia, it's you I want back always. It's by you I still so often measure, guess, transmute, translate and act." Once, after an ugly racial incident on a New Orleans bus, Miss Hellman declared that she wanted to live with Sophronia and didn't care to live among whites any longer. "I got something to tell you, missy," Sophronia answered. "There are too many niggers who like white people. Then there are too many white people think they like niggers. You just be careful."

Another time, catching her father stepping out with one of his sisters' lady boarders, Miss Hellman ran, crushed and enraged, to report it to Sophronia, who, after calming her down and making her promise to tell no one else about it, said: "Don't go through life making trouble for people."

This last remark seems to have had the force of a precept for Lillian Hellman. In her twenties she landed a job as a subeditor at the firm of Horace Liveright, one of the most distinguished publishing houses of the 1920s. The job was at least as exacting socially as it was intellectually, for the Liveright editors had a reputation for gaiety and dash that was kept intact by long boozy lunches and an interminable round of parties. It was a time of great extravagance of spirit, before the accounts began to be called in. One thing leading to another, it was during this period that Miss Hellman found herself knocked-up by a man she would marry six months later – but not while she was pregnant. Instead, by her own choice, she had an abortion.

Miss Hellman notes that the revolt of her generation against sentimentality had at its core a strong distaste for pretense. In the early thirties, recently married to the writer Arthur Kober, she found herself living in Hollywood. Her situation became that of a hay-fever victim assigned to live in a greenhouse. She couldn't breathe; the everyday carnality of Hollywood—its food, its furniture, its architecture, its people—got to her. Torpor set in, heavy drinking followed. She took a job at MGM writing reports on manuscripts, but each day the drive from the studio back to her home became more painful, until one day, realizing she couldn't make it, she pulled off to the side of the road. Her marriage was over.

When she comes to talk about her politics, which seem to have been an unexceptional blend of thirties radicalism, Miss Hellman writes: "Rebels seldom make good revolutionaries, perhaps because organized action, even union with other people, is not possible for them." Does, one wonders, that remark extend to marriage as well? With Dashiell Hammett, the conflict between rebel and woman seems to have been resolved. Their relationship allowed her to have it both ways. For the greater part of thirty years they loved each other, they fought like cougars, they worked at their writing, they each went their own way.

It helps to know about Hammett that when he went to prison the guards called him "sir." Hemingway used to talk about a small machine in the back of his mind which, when he was writing well, spotted and kept out anything false, inferior, or in any way meretricious; he called it his "shit-detector." If Hemingway sometimes had it in his writing, Hammett had it in his life. Incapable of pulling punches, when Howard Fast told him about his soon-to-be-served jail sentence, Hammett said: "It will be easier for you, Howard, and you won't catch

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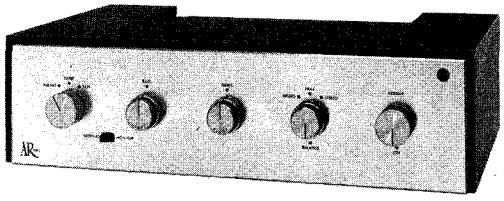

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cold, if you first take off the crown of thorns." When Horace Liveright was sick and broke, Miss Hellman thought to help him out with money. She was about to bring it to him when she first asked Hammett if five hundred dollars were enough. "Enough to make you feel noble," he answered, and told her to find someone else to take the money to Liveright.

How important honesty of motive was to these people, and is to Miss Hellman. It is second only to the noble act. In the latter part of *An Unfinished Woman*, Miss Hellman includes segments from diaries she kept while in Spain in the thirties and in the Soviet Union in the forties and sixties. "They seem to me," she notes at one point of the Spanish, "noble people. Because I had never used that word before, it came hard to say it even in the dark, and, as if I had a vision of what I had missed in the world, I began to cry." Part of Lillian Hellman's distinction is that, knowing what the noble act is, and yearning after it as she has, she is quite incapable of faking it, and there is nobility in that.

"I do regret," Miss Hellman writes, "that I have spent too much of my life trying to find what I called the 'truth,' trying to find what I called 'sense.' I never knew what I meant by truth, never made the sense I hoped for. All I mean is that I left too much of me unfinished because I wasted too much time." Meanwhile, Lillian Hellman has written at least one play (and possibly two or three) that stands as a true achievement in the American theater, has known the love of an extraordinary man, and has gotten through more than sixty years with only the most minimum rations of self-deception. She may consider herself an unfinished woman, but from here hers appears a remarkably complete life.

Michael Harrington: Marx Who?

The Marxian Revolutionary Idea by Robert C. Tucker

(Norton; $5.95)

There are almost as many Marxes as there are Christs.

There is the libertarian, anarchistic Marx of Rosa Luxemburg and her belief in the spontaneity of the working class; there is the disciplined Marx of V. I. Lenin inspiring an elite of professional revolutionaries; there is the totalitarian Marx jointly sponsored by Joseph Stalin and J. Edgar Hoover; there is the Chinese Marx who presides over a movement primarily composed of peasants coming from what he had once called the "idiocy of rural life"; and so on.

But perhaps the greatest difficulty of all – and one explanation of why Karl Marx has been involved in such contradictory ways – is that Marx himself was several Marxes. Depending on what texts and periods of his life one focuses upon, he is a Jacobin, almost a putschist, a social democrat, and various combinations of the three.

Robert Tucker's new book, *The Marxian Revolutionary Idea*, tries to bring some order into the chaos of Marxes. He fails, I think, because he overemphasizes the continuity in Marx's own life and does not understand the profound discontinuities which, after his death, made some "Marxisms" anti-Marxist. And yet he is quite good and precise when he defines the essential contribution which Marx makes to analyzing, and transcending, our present plight.

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in this study emerges in the discussion of Marx's attitude toward justice and democracy. For Tucker, "the Marxist condemnation of capitalism is not predicated upon a belief that its mode of distribution is unjust." Such a conclusion sees only one side of Marx's dialectic analysis of ethics in history. Within the framework of capitalist society, the worker and the buyer are not "cheated" but given their exact, proper due *according to the structure and logic of that economic order.* That is why Marx railed against the reformers of his day who thought that basic change could be achieved within an inherently unjust system (and why Engels, in the most sectarian single position he and Marx ever took, almost opposed a limitation on the length of the working day since it would impede the evolution of capitalism and, therefore, the coming of socialism).

But to think that Marx consequently had no ethical attitude, no value judgment toward capitalism is to miss the fact that this brilliant and rigorous thinker is also a Jeremiah. And this seemingly abstruse point is related to an immediate issue in American society. For when Marx attacked those who thought that the only problem with capitalism was its distribution of wealth and when he insisted that this inequity would persist so long as the basic means of production remained in the hands of a minority, he touched upon a most contemporary question. Will, for example, the poverty of black and Spanish-speaking Americans be abolished through reparations, or other forms of payment from the guilty affluent? Or, rather, isn't it required that the poor and their allies democratically win a political power that will allow them to make new allocations of the *social* product?

To answer the latter question affirmatively is not to concede the justice, but only the historical reality, of the process whereby the white rich became wealthy. I think Tucker misses this point and with regard to the related question of democracy also oversimplifies Marx's complexities.

There is one view of the "two Marxes" which holds that the youthful opponent of alienation left all that German philosophy and psychology behind and became a mature, rather cold-hearted economist (Daniel Bell has argued this thesis). Tucker rightly rejects this notion and points out the continuity between the Paris manuscripts of 1844 and *Das Kapital.* But there is another interpretation which says that Marx reacted to the defeats of 1848 by moving from a Jacobin, insurrectionary strategy to a less apocalyptic, more evolutionary view (Karl Korsch put forward a "revolutionary" version of this political biography; and George Lichtheim has recently and brilliantly presented it in "social-democratic" form). Tucker rejects this view, wrongly, I think.

Here again the scholarly disputes have present relevance. If one sees Marx's life Marxistically – as subject to contradiction and change – then the handful (less than ten) of references to the "dictatorship of the proletariat" are placed in context. Marx used the term in the period of bitter reaction to the sell-out of the bourgeois democrats in 1848 and then again in the course of his impassioned defense of the Paris Commune. Moreover, he did not use the term "dictatorship" to describe an anti-libertarian form of political rule but to denote that the power of a given class was dominant in society. That is why he called a liberal republic with complete civil liberties the "dictatorship" of the bourgeoisie.

But, to leave textual haggling and turn to politics, from the early 1850s to the period of the First International, Marx placed much more emphasis, in theory and in practice, on trade unions and political struggle. Whereas Engels almost came out against the Ten Hour Law, Marx eventually held that it was a triumph of the "political economy of the working class." That this was not simply a tactical ploy to ingratiate himself with the extremely broad united front assembled in the International Workingmen's Association can be seen by reading the magnificent analysis of the struggle over the length of the working day in Marx's most mature work, Volume I of *Das Kapital.*

Tucker does not treat all of this evidence. Like Lenin, he concentrates his attention on Marx's attitude in 1848-51 and 1871. And thus he grants a validity to the antidemocratic interpretation of Marx which Lenin initiated pragmatically and Stalin (and Mao) turned into the basic principle of totalitarianism.

It was not that Stalin and Mao simply "misread" Marx. Their version of him was occasioned by an historical upheaval, not a faulty *explication de texte.* If Marx's European rising of the proletariat never materialized, the struggle against imperialism and for

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modernization in the Third World did. There was no bourgeoisie strong enough to carry through industrialization, and thus in all the ex-colonial lands the state plays an important role. When development takes place under Communist rule, there is a totalitarian accumulation of capital and destruction of the traditional society. The decisive instrument of this process is force – but ideology has a role to play, too.

So it was that Marxism was turned from a program of working-class emancipation and the socialization of preexistent wealth into a rationale for extracting a surplus from peasants within a setting of poverty in order to industrialize. It became, in short, anti-Marxism, but with a profound historic function. Tucker, like Trotsky whom he quotes, tends to view Stalinism as a partly "deradicalized" statement of the old faith rather than the ideology of a new form of class society. And he is incorrect to say that there is no Marxist analysis of the phenomenon (Christian Rakovsky hinted one in the twenties; Max Shachtman developed a brilliant analysis of it in the forties; Djilas' new class was defined in the fifties; and heterodox Communists in Europe, particularly in Italy, have been exploring these leads for some time).

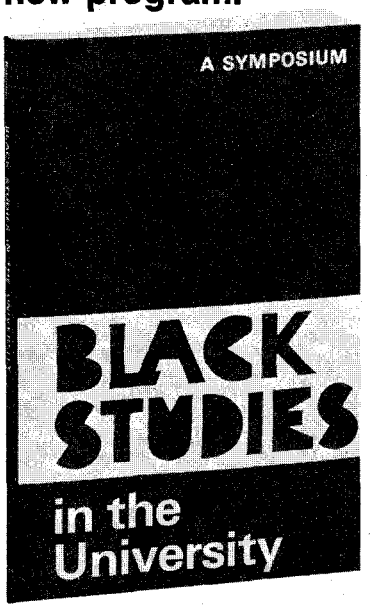
And yet, if I am quite critical of Professor Tucker's book, he is raising the most pertinent questions and, in his final chapter, he clearly understands the relevance of Marx's ultimate vision of a world freed from labor and built upon aesthetics and leisure. Some of the most important sources of this view of Marx are to be found in the untranslated *Grundrisse* of the 1850s, but the explicit statements of Volume III of *Das Kapital* are available in English and all too often ignored. Understanding this aspect of Marx, Tucker writes that "automation and the unlocking of the atom have begun to pose the question of a profound reorientation of man's existence. . . ."

I quarrel with many of Robert Tucker's interpretations but find his reading of the relevance of Marx today imaginative and persuasive. *The Marxian Revolutionary Idea* is flawed – and an accomplishment.

NOTES ON CONTRIBUTORS

JOSEPH EPSTEIN *is an editor of* The Encyclopaedia Britannica. MICHAEL HARRINGTON's *latest book is* Toward a Democratic Left.

---what Yale did to thrash out the issues connected with establishing a controversial new program.



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edited by Armstead L. Robinson, Craig C. Foster, and Donald H. Ogilvie

The Black Student Alliance at Yale University, aware that the problems they encountered in convincing the faculty of the validity of a black studies curriculum were not confined to Yale, conceived the idea of sponsoring a symposium in which all ramifications of this topic could be discussed. As a result, in May 1968 key faculty and administrative personnel from a number of institutions joined in discussion with a group of respected black and white intellectuals vitally concerned with various aspects of the black experience.

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- The Intellectual Validity of Studying the Black Experience, **by Martin Kilson, Jr.**
- The Black Community and the University: A Community Organizer's Perspective, **by Maulana Ron Karenga**
- Deck the Ivy Racist Halls: The Case of Black Studies, **by Gerald A. McWorter**
- A Student's Reflections, **by Donald H. Ogilvie**
- African History and Western Civilization, **by Boniface Obichere**
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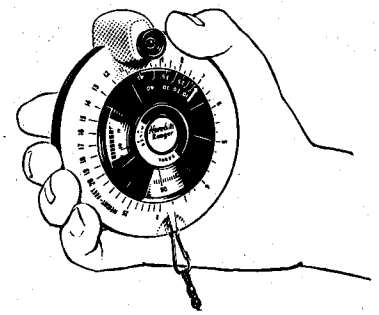

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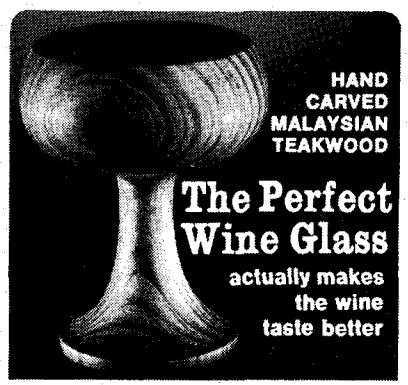

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Holt and Students

Sirs:

While part of John Holt's letter (July 5) on student protest makes sense, some of it is naive. In the various bombings and arsons on campuses across the country important library holdings and university records have been destroyed. Decent faculty people unconnected with warfare research have lost lecture and research notes and other papers valuable to them. Yet Mr. Holt writes that this kind of physical assault does not threaten the existence of universities. If damaging libraries, scattering records, and demoralizing faculty do not threaten the universities, then surely nothing does. Socially and politically progressive people ought to act against this type of violence just as they act against violence in Vietnam, on TV, or elsewhere.

As for universities destroying poor people's housing and other private property, universities must physically expand as their programs expand. The private property "destroyed" in the process is compensated for. What is needed is the humane relocation of any poor people involved.

An open admissions policy at Columbia or any other private university raises many problems which cannot adequately be discussed in a letter. To touch on only one: presumably Mr. Holt and others who want open admissions expect a significant expansion in the number of persons enrolling for university education. Expansion! What was that crashing sound? Could it have been more poor people's housing coming down to make way for new classroom buildings?

William H. Wilson
Denton, Texas

Sirs:

In a recent letter to your journal, John Holt says "the faculty may find it easier and more comfortable to live with the kind of reforms that the students are demanding than with the kind of social and political consequences which will flow from their resistance," he is unsheathing a sword which has two edges. One edge is that of the student "reformers," the other is that of the militant right. Make the university a *physical* battleground, rather than an intellectual one, and you cannot assume that only the Good Guys will join battle. Of course, violence in a "good cause" is now the "moral equivalent" of nonviolence, in the Marcusian semantics of the militants. It is permissible (if not mandatory) to burn, club, insult, and hold for ransom, the persons and property of the Bad Guys, simply because they are Bad Guys. All means are laudable which serve the desired end. Where have we heard this before? Where have we not, in this century and before. I realize that history is irrelevant to anyone under 25, but is not the spectacle of self-righteous violence sufficiently frightful in itself, not to need the obvious historical parallels to foreshadow its result?

Holt's analogy between students and striking workers collapses on closer inspection. The worker is engaged in production of goods and/or services, for the benefit of the employer, directly or indirectly. Is the student so employed? A "student strike" usually fails because, even it is "successful" in the sense that everyone stays away from classes, the university continues to function, in a sense not applicable to the factory. Even if only a single student shows up, a class can be held, and if no students show up, the "production schedule" which is delayed is theirs, not the university's. If the university is closed totally for a year, it can reopen, enroll students and continue operation, whereas a factory, by reason of having no products to sell and obligations to meet, might be forced into bankruptcy, and would at least have much lost ground to recover. It is for this reason that strikes against educational institutions are ineffective in damaging the institutions, unless they are coupled with massive acts of violence and terrorism, a situation not obtaining in most strikes against industry.

Further, the use of violence and terror as pressure-tactics surely has proven counter-productive over the past five years, if not throughout history generally, in the educational sphere. The ready use of civil and military police power to quell disturbances is not an unpredictable offshoot of the violence initiated by the

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"militants." It is part of their calculation, based on a cynical (and sadly accurate) knowledge of the threshold beyond which action brings reaction, in this time, at this place. Being part of the calculated effect of the violence, the repression plays a necessary part in the strategy of the calculators. Holt asserts this when he says the choice of Berkeley lies between a Third World College and the Alameda County Sheriff's deputies on-campus. But any policy which has for a partial objective, the assault on the university by paramilitary forces, local or federal, has not reform, but destruction as its ultimate aim. In this context, the sheriff's deputies are part of the process, and if tear-gas happens to kill a few students or patients in the university hospital, it may not be the fault of the militants, but they will rejoice at the martyrs thus created, the militants thus recruited. There is something repellant about this cold manipulation of catastrophe. As repellant as the sight of the sheriff's helicopter gassing the campus. One is not preferable to the other, and the choice is not exclusively between them. Not yet. By this time next year, it may be. If enough campus explosions are "arranged" and the expectable repression (already afoot) materializes, the militants may well have the war they so desperately want. Unfortunately, the first casualty is quite likely to be the intellectual integrity which is the only possible reason for having a university at all. To quote an African proverb, "When the elephants fight, it is the grass which is trampled." And once this grass is trampled to death, it will take a lot of lawn-food to revive it.

Thomas J. Cummins
Blythe, California

Nothing to Lose

Sirs:

After reading Colman McCarthy's *Jobless Job Corps* and Peter Barnes' *The Presidio Mutiny* in the latest issue of *NR*, I feel like paraphrasing the lament in *The SDS Split-up*, "I wonder what the place for old liberals is." . . . In his book *But We Were Born Free*, Elmer Davis said years ago that it's we old folks who should go to jail instead, for allowing such things to be. The young have everything to lose, we have nothing. I'm 82 and willing to stick my neck out. Any suggestions?

Mrs. Helen L. Kaufmann
New York, N.Y.

Kauffmann, *from page 26*

its tiny perceptions. It's just another of those fairly genuine but quite minor family surgeries that British plays and films perform more by rote than passion. One reason it never generates much force is that the young girl's character is muzzy; even her contradictions aren't really made into a credibly human contradictory character. (What does she want from Steiger? Or from anyone? When he offers to leave with her, why does she cop out? What, even, is the point of her pointlessness?) She is simply a by-now conventional mod menace, who is given a number of attributes because they are usable in the plot.

Steiger's character is clearer, but his performance isn't. He uses a modified Irish accent, possibly in tribute to Miss O'Brien, but he had a much better one in *The Mark*. And for all his effluvium of Actor-at-Work, he never seems to live in his alleged home or to work in his office. I didn't even believe that he was married to Miss Bloom! (Since they are actually husband and wife, this is quite a job of negative creation.) Peggy Ashcroft plays the stock English-domestic-drama figure of the mother-in-law bearing up under her faded gentility, but she applies such irked egocentricity to the part that she gives us a flash or two of how the Empire spoiled its middle-class emissaries to the colonies. Miss Geeson's bare bosom was admirable in *Here We Go 'Round the Mulberry Bush* and is equally so here; but as an actress, she is just one more entry in the Julie Christie sweeps.

Still, the very same script and cast might have had a good deal more effect. In the hands of the Joseph Losey who made *The Servant* and *Accident*, there would have been some superfluous grotesquerie but at least there would have been visual correspondences for the material, some style to contain and amplify the tensions. Instead we get Peter Hall, of the Royal Shakespare Company. This is his second film. (His first, not yet shown in the US, is of Henry Livings' absurdist farce, *Eh?*) Hall is best-known here for the brilliant staging of Pinter's *The Homecoming*, but the lack of cognate tensions in this film reminds me that Clive Donner never directed anything as well as he did his film of Pinter's *The Caretaker*. Is it possible that Pinter's directing hand was present when Hall and Donner did well?

Alan Osbiston, usually a good editor, has not helped much. The shifts of the camera always seem to be tagging along. Naturally this isn't really true, but the film seems to be made up of reaction shots – obligatory rather than imaginative editing.

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100,000 signed this Declaration during the JOHNSON Administration.
NIXON is allowing death and destruction to continue and to increase.
Pressure and action against the war are needed.

Individuals Against the Crime of Silence

A Declaration To Our Fellow Citizens Of The United States, To The Peoples Of The World, And To Future Generations:

1 We are appalled and angered by the conduct of our country in Vietnam.

2 In the name of liberty, we have unleashed the awesome arsenal of the greatest military power in the world upon a small agricultural nation, killing, burning and mutilating its people. In the name of peace, we are creating a desert. In the name of security, we are inviting world conflagration.

3 We, the signers of this declaration, believe this war to be immoral. We believe it to be illegal. We must oppose it.

4 At Nuremberg, after World War II, we tried, convicted and executed men for the crime of OBEYING their government, when that government demanded of them crimes against humanity. Millions more, who were not tried, were still guilty of THE CRIME OF SILENCE.

5 We have a commitment to the laws and principles we carefully forged in the AMERICAN CONSTITUTION, at the NUREMBERG TRIALS, and in the UNITED NATIONS CHARTER. And our own deep democratic traditions and our dedication to the ideal of human decency among men demand that we speak out.

We Therefore wish to declare our names to the office of the Secretary General of the United Nations, both as permanent witness to our opposition to the war in Vietnam and as a demonstration that the conscience of America is not dead.

On September 23, 1965, a Memorandum of Law was incorporated in the Congressional Record of the 89th Congress of the United States of America, in which leading American attorneys, after careful analysis of our position and actions in the Vietnam War, came to the conclusion that the U.S. is violating the following accords: The Charter of the United Nations, The Geneva Accords of 1954, the United States Constitution.

To Protest—To Object—To Dissent has long been an American tradition. The following are a few among the many who have signed this declaration to be on permanent record.

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I wish to sign my name to the above Declaration to the United Nations and want to go on record with this Declaration of the Individuals Against the Crime of Silence.

signature
For clarity, also print your name after your signature
address date
city state zip

Sign, complete and mail to P.O. Box 69960, Los Angeles, Calif. 90069. The office of the Individuals Against the Crime of Silence will then forward the information to the United Nations.
Should you also wish to support additional publishings and communications, send $1 or more in cash or by check made payable to Individuals Against the Crime of Silence. . . . This donation entitles you to the lapel emblem, the wallet-size registration card and four personalized letter replicas of the Declaration for you to individually send on to the President and your U.S. senators and congressman. Money is needed to speed our progress.
The strength of our numbers will regularly and effectively be made known. Your signature does have power.

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